

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**Report submitted by Turkey  
pursuant to Article 68, paragraph 1  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

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**The responses of Republic of Turkey  
to the questionnaire on legislative and  
other measures giving effect to the  
provisions of the Council of Europe  
Convention on Preventing and  
Combating Violence against Women  
and Domestic Violence (Istanbul  
Convention)**

## **I. Introduction**

The Council of Europe Convention on Preventing and Combating violence against Women and Domestic Violence was opened for signature in Istanbul on 11<sup>th</sup> May 2011 during the Turkish Chairmanship of the Committee of Ministers of the Council of Europe (CoE). Turkey has been one of the strongest supporters of the Convention since the first day of negotiations that lasted for about three years and contributed actively to the drafting process. Turkey was one of the first countries signing the Convention (11<sup>th</sup> May 2011) on the day the convention was opened for signature and then, became the first to ratify it without any reservations (14<sup>th</sup> March 2012).

We believe that the Chairmanship of the Committee of Parties of the convention and the Presidency of GREVIO held by Turkish representatives and maintaining the contributions of our country provided both technically and financially at the monitoring stage have contributed to increased implementation of convention among member states of the Council of Europe.

The implementation and follow-up of Istanbul Convention in Turkey is carried out by Ministry of Family and Social Policy (MFSP) General Directorate on Status of Women (GDSW). Upon ratification and entry into force of the Convention, intensive efforts have been made in cooperation with all stakeholders and adopting the principle of zero tolerance towards violence to realize both legislative and practical arrangements and take measures. The cited efforts are also reflected in the answers to the questionnaire.

The answers to the questionnaire were collected under coordination of MoFSP GDSW. In this process, relevant 25 public organizations<sup>1</sup>, 40 non-governmental organizations working in the field of violence and women's human rights and 57 Women's Studies Research and Application Centers of universities were requested to submit their written opinions and the answers were prepared by compiling this information.

## **II. Integrated Policies and Data Collection**

### **A. Strategies/action plans and other related policies**

The main policy priorities in the field of combating violence against women in our country are put forward in the National Action Plans. There has been considerable experience in the preparation and implementation of the Action Plans, which determine the responsibilities of the relevant organizations of the State in combating violence against women in Turkey. Other texts as well as Action Plans include the subject of combating violence against women.

The Tenth Development Plan covering the period of 2014-2018 was prepared in accordance with the goals of our country for the year 2023, and public policies are being formulated in accordance with this plan and public investments are supported to put them into practice.

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<sup>1</sup> Public organizations such as the Council of Higher Education, Radio and Television Supreme Council as well as Ministry of Interior, Justice, Health, Labor and Social Security, National Education, Foreign Affairs, Defense, Ministry of Development were asked for opinion. In addition, opinions of Human Rights and Equality Board of Turkey were taken. Moreover, opinions of General Directorate of Family and Community Services, General Directorate of Social Assistance, Legal Counselor and Child Services Directorate within ASBP were also taken.

Under the sub-heading "Family and Women" of the heading "Politics" in the Tenth Development Plan, it is stated that "The level of social awareness will be increased through formal and non-formal education, starting from early childhood especially, to eliminate violence and discrimination against women"

Annual programs are prepared by the Ministry of Development for monitoring implementation of the policies included in the 10th Development Plan. The Program of the year 2017 includes the measures which read "It will be ensured that social awareness is increased to reduce violence against women and the quality of activities and services available will be improved" and "The service capacity of personnel working in the field of combating violence against women and domestic violence will be increased" geared towards prevention of violence against women and domestic violence. The measures included in the Annual Program are monitored by the Ministry of Development at three-monthly intervals and the activities carried out by the relevant organizations are assessed. Likewise, one of the Priority Transformation Programs developed in the scope of the 10th Development Plan is the "Program on the Protection of the Family and Dynamic Population Structure". In this context, actions related to "improving efficiency of the activities to prevent domestic violence, neglect and abuse" and "the dissemination of VPMCs" were included.

Sub-working groups were formed by the Ministry of Development with participation of all relevant public organizations, universities, non-governmental organizations, local government and private sector representatives in scope of the Tenth Development Plan. One of them is the Sub-Working Group on Violence against Women. The prevention of violence against women was studied extensively. The Tenth Development Plan was developed considering the results and recommendations of the report prepared in the light of these activities.

Under the heading of women in the 65th Government Program, it is stated that "all kinds of legal protection will be provided to combat violence against women, and the relevant laws will be applied effectively and the centers where women can apply in case of exposure to violence, information and support will be made more functional and accessible".

The MoFSP, includes the objectives and activities related to combating violence against women, preventing abuse, and supporting women under protection in the Strategic Plan covering the years 2013-2017.

The 2015-2019 Strategic Plan of the Ministry of Justice embodies the targets of 'empowering the capacity of the justice system on domestic violence crimes', 'setting up a system sensitive to disadvantaged groups', 'developing victim-oriented practices in the justice system' and 'delivery of pro bono legal services' to achieve the objective of "improving access to the justice and the practices for victims and disadvantaged groups".

The strategy of "improving health services for achieving gender equality and combating violence against women" is included in the Strategic Plan of the Ministry of Health 2013-2017.

The 2014-2018 Strategic Plan of the General Directorate of Security Affairs includes the target of "Providing Support to Organizations Responsible for Combating Domestic Violence".

"The Reference Document on Gender Equality Attitudes for the Institutions of Higher Education" which was prepared by the Council of Higher Education (CHE) Unit of Women's Issues and Studies in Academia and embodies an obligation to act as sensitive to gender equality and justice in all components of the Council of Higher Education was adopted by CHE in November 2015. In addition to the measures to promote gender equality in the document, it also envisages an obligation to "provide information on sexual harassment and sexual assault, and make accessible places of reference available and meet other requirements (illumination, transportation, etc.) to ensure safe living at campuses".

Violence against women and "physical", "sexual", "psychological", "economic" and "verbal" violence were defined in the report prepared by Investigation Committee formed within the Grand National Assembly of Turkey (GNAT) by its decision dated 28th June 2005 and numbered 853, to which is explicitly referred in the Prime Ministerial Circular No. 2006/17 on Measures to be Taken Towards Preventing Acts of Violence against Children and Women and Custom and Honor Killings, which is applicable still. In 2015, "The Parliamentary Investigation Committee on the Motives of Violence against Women and Identification of the Measures Due" was established under the roof of the Grand National Assembly of Turkey. The Committee held 17 meetings at the GNAT over a working period of about 4 months. Ministers, politicians, academicians, bureaucrats and representatives of NGOs participated in these meetings to express their views and suggestions. The Commission presented a report to the GNAT because of its activities.

To ensure effective implementation and coordination of the Prime Ministry Circular, activity reports related to the three-monthly periods submitted to the GDSW by the institutions and organizations responsible for the implementation of the Circular are completed and submitted to the Prime Ministry. In addition, meetings of Committee for Monitoring Violence against Women have been held every year since 2007 with participation of public organizations, women research centers of universities and NGOs, under coordination of GDSW.

"The Law No. 6284 on the Protection of Family and Prevention of Violence against Women<sup>2</sup>" entered into force on 20<sup>th</sup> March 2012. With the Law No. 6284, it is aimed to prevent violence against and protect women, children, family members who are exposed to violence or in danger of violence, and victims of stalking<sup>3</sup>. The definitions of "violence", "violence against women", and "domestic violence" are included in the Law.

In this context, the second National Action Plan titled "The National Action Plan on Combating Violence against Women 2012-2015" was prepared and put into practice under coordination of GDSW and contributions and participation of women research centers of relevant public organizations, NGOs and universities. The implementation of the National

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<sup>2</sup> hereinafter be referred to as Law No. 6284

<sup>3</sup> See Article V Substantial Law and Annex for more information about the Law No. 6284

Action Plan on Combating Violence against Women (2012-2015) was monitored by follow-up and evaluation meetings held in six-monthly periods.

In the Second Action Plan, "violence" was mentioned as defined in 1993 United Nations Declaration on the Prevention of Violence against Women. Five main objectives concerning the legal regulations, social awareness and mental transformation, provision of protective services and empowerment of victims of violence, implementation of health services, and strengthening the cooperation mechanisms were included in the second Action Plan implemented during the 2012-2015 period, .

Since the implementation period of the Second National Action Plan ended at the end of 2015, the "Third National Action Plan on Combating Violence against Women (2016-2020)" was prepared under coordination of the GDSW and with contributions and participation of relevant public institutions and organizations; NGOs and women's research centers of universities and put into practice in December 2016. The subject of victims' human rights was put in the center of the policies in these studies.

In the scope of the preparatory work, the international agreements and particularly the Istanbul Convention, provisions of national legislation, monitoring and evaluation reports of the National Action Plan on Combating Violence against Women (2012-2015), results of The National Research on Combating Violence against Women in Turkey and the Impact Analysis of the Implementation of Law No. 6284 and the report of "The Parliamentary Investigation Committee on the Motives of Violence against Women and Identification of the Measures Due" which was drafted by GNAT were reviewed and objectives and activities of the Action Plan were determined, taking into account the recent social needs and developments.

Violence against women was defined in the Third Action Plan as in the Istanbul Convention and the definition of "domestic violence", which was included in the Istanbul Convention, was used.<sup>4</sup>

The coordinator institution is MoFSP GDSW in combating violence against women and providing general services. In this regard, a lot of work has been carried out at regional and national levels which contributed to progress in the implementation to be explained in the following chapters.

It was decided in the Action Plan on the Prevention of Violations of the European Convention on Human Rights, accepted in 2014, to take necessary measures for effective implementation of Law No. 6284, to enable effective implementation of case-specific measures appropriately for women whose life is at risk, to establish special bureaus in the Public Prosecutor's Offices particularly in overpopulated provinces to conduct effective investigations against crimes stemming from domestic violence and to organize trainings for judges, prosecutors and other related personnel on the issues of domestic violence and violence against women.

GDSW carried out "The Project on Combating Domestic Violence" in 26 project provinces with financial support of the European Union (EU) between 27<sup>th</sup> December 2013 and 27<sup>th</sup>

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<sup>4</sup> See Appendix for full text of Action Plan.

December 2016 to establish and develop support services for women subjected to violence. The project aims to set standards in support services for women victimized by violence and develop cooperation among central and local governments and local NGOs assigned for combating violence against women. The project consists of two components, namely the technical and grant components.<sup>5</sup>

## B. Financial resources

Compared to the state budget, serious resources were allocated to MoFSP, the coordinator institution for efficient, integrated and comprehensive intervention in combating domestic violence. MoFSP is among five ministries with the biggest budget. MoFSP was allocated £ 4.365.335.128 in 2014, £ 4.679.393.333 in 2015 and £ 6.358.884.871 in 2016. The ratio of the said budget to the National Budget is 13.8% for the year 2014; 13.6% for the year 2015; 15.2% for the year 2016. The budgets of Women's Shelters and Violence Prevention and Monitoring Centers (VPMC) affiliated to the Ministry are allocated by MOFSP.

**Table 1 2014, 2015 and 2016 appropriations and the proportion of these appropriations to Turkey's Budget:**

	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>VPMC (A)</b>	20,864,358€ (81,371,000 TL)	13,108,205€ (51,122,000.00 TL)	15,018,461€ (58,572,000.00 TL)
<b>WGH (B)</b>	10,799,871€ (42,119,500 TL)	15,141,538€ (59,052,000 TL)	18,673,333€ (72,826,000 TL)
<b>GDSW (C)</b>	2,477,179€ (9,661,000 TL)	2,097,692€ (8,181,000 TL)	2,436,153€ (9,501,000 TL)
<b>MOFSP (D)</b>	4,365,335,128€ (17,024,807,000 TL)	4,679,393,333€ (18,249,634,000 TL)	6,358,884,871€ (24,799,651,000 TL)
<b>NATIONAL BUDGET(E)</b>	123,089,184,102€ (480,047,818,000 TL)	133,447,610,000€ (520,445,679,000 TL)	162,438,888,974€ (633,511,667,000 TL)
<b>PROPORTION D/E</b>	<b>13.8%</b>	<b>13.6%</b>	<b>15.2%</b>

In addition, budgets are allocated to the relevant units of the main authorities involved in the combat against violence, such as the Ministry of Interior, Ministry of Justice, Ministry of Health, Ministry of National Education, Ministry of Labor and Social Security.

Annual Investment Programs are prepared in accordance with the targets set out in the Tenth Development Plan and the Annual Programs. In this context, the projects prepared by all the related public institutions and organizations related to prevention of violence against women and domestic violence are supported by the Ministry of Development. Among the investment items of MoFSP, public implementation and research projects for preventing violence, procurement of machinery-equipment, furnishings, vehicles, major repairs and etc. by VPMCs, Women's Shelters and Social Service Centers are particularly supported by the investment budget.

<sup>5</sup> Activities carried out within the framework of the project will be detailed in the following sections.

<sup>6</sup> 1€=3,9 TL

### **C. Activities with NGOs and other civil society actors – Inter-institutional coordination at national and regional/local levels**

Contributions and participation of universities, private sector, governmental organizations, non-governmental organizations (NGOs) are taken in all the activities carried out by GDSW for achieving gender equality, empowerment of women and prevention of violence against women.

Within the Grant Component of the Combating Domestic Violence Project conducted by the GDSW, a budget fund of approximately €2.9 million was used in 19 projects to step up the capacities of local NGOs. Projects that started on February 1, 2014 and varied in applicable terms from 12 to 24 months ended in January 2016. In the scope of the grant projects, several activities such as improving the capacities of local NGO staff and civil servants with various trainings, increasing awareness on violence against women, networking between local and international NGOs, field researches and activities for needs analysis, activities for women's empowerment and vulnerable groups, stepping up the capacity of the Women's Shelters and Counseling Centers, awareness-raising activities for men, creating training contents for violence against women, and activities for local action plans were carried out. The awareness activities, field surveys and meetings of the project reached out to more than 40 thousand people in total.

In addition, under the heading of the training activities of the Project, trainings were delivered to 1.280 public personnel from the Ministry of Family and Social Policy, Ministry of Justice, Ministry of Interior and Ministry of Health and 29 personnel from municipalities and NGO women's counseling center. Within the framework of the Project on Combating Domestic Violence, Provincial Action Plans for Combating Violence against Women were prepared for 26 project provinces in 2016 and put into practice in 2017. In this framework, three-day meetings for preparation of the provincial action plan were held in 26 provinces and the NGOs participated in this meeting.

There is an effective cooperation between the NGOs and the state at the local level in our country. The activities carried out in scope of the Mardin Local Equality Action Plan in cooperation with a NGO in Mardin could be mentioned as an example.

In this context, education and awareness raising activities (coffee shop conversations) were held for men (local government personnel, mukhtars, middle school and high school boys), support mechanisms for women victims of violence were publicized and an emergency response team was established, family counseling centers in the courthouses were introduced and activities relating to violence against women were conducted with Provincial Office of Mufti in such settings as mosque and home visits, etc., women were informed in home visits, it was emphasized that using the concepts of custom and honor as a suppression factor on women by presenting it as religious is not related to religion itself and local government personnel were trained on gender, gender responsive budgeting, gender responsive service delivery and participation etc.



In addition to ALO 183 Hotline, Mardin Provincial Directorate of Family and Social Policy and the NGOs in the region identified telephone lines that receive applications and provide counseling services and introduced these lines to women. 10,000 women were reached during the visit to the neighborhood. In scope of psychological support rehabilitation services given to women, 15-18 women participate in small group work and each group meets once a week . 2000 women participated in these activities within 2 years.

Activities were carried out to empower women in places where custom and honor killings and violence against women are seen intensely. These activities include basic trainings for women and children, access to public services, women's rights, vocational trainings, and support services for those who left school to attend open schools and faculties to complete their education. 850 women participated in these trainings.

In addition, 316 women were employed with the cooperation of TEA and NGOs. Lawyers from the Mardin Bar Association Women's Commission and Provincial Coordination Committee on Women's Rights regularly train women about their rights. TRT-6, which broadcasts in Kurdish language, and the local press were negotiated to make these activities available in broadcasts and 1-day gender training was organized for local media representatives.

The Ministry of Interior supports the financing of activities of NGOs through local government. Governorate Project Coordination Centers provide technical assistance for NGOs to receive EU and UN funds. The planning work of the response field for "combating violence against women" was carried out for Mardin province within the framework of the EU-funded "Project on Empowerment of Women and Women's NGOs in the Underdeveloped Regions of Turkey".

"The General Situation in Violence against Women in Mardin" survey was conducted jointly with NGOs and Artuklu University in the scope of the Women Friendly Cities Program with the participation of 1100 women.

In the years 2014-2015, NGOs conducted various activities such as rehabilitation of Syrian refugee women, Turkish language education, vocational training in the field of accommodation services and cultural harmonization activities with Turkish citizen women. In this scope, the number of Syrian refugee women trained in Mardin is 40.

As one of the key institutional services available for combating violence against women in our country, women's shelters provide their services under the roof of NGOs and local governments besides our Ministry. In 2016, 101 Women's shelters affiliated to Ministry of Family and Social Policy have provided their services with 2.657-person capacity, 32 Women's shelters affiliated to local administrations with 741-person capacity and 4 Women's shelters affiliated to NGOs with 45-person capacity; which correspond to 137 Women's shelters with 3.443-person capacity in total.

The National Action Plan on Combating violence against Women (2016-2020) was brought together with NGOs and they were consulted for their opinions during the preparatory work.

In this context, Draft Action Plan was forwarded to representatives of responsible public institutions and organizations as well as representatives of NGOs and women research centers of universities which maintain their activities in this field, in the preparation phase of the Action Plan. Meetings were held with participation of NGOs and academicians as well as representatives of public institutions and organizations to discuss the revised draft plan within the framework of the opinions submitted. The Action Plan was finalized in line with both the meeting results and the opinions of the organizations.

The Ministry of Interior works closely with NGOs for combating human trafficking. Appropriations were allocated from the budget of the Ministry of Interior General Directorate of Immigration to NGOs for management of shelters serving to victims of trafficking.

"The Committee on Monitoring of Violence against Women", an important mechanism for facilitating organizational coordination at the national level, meets every year with participation of relevant public organizations, universities and NGOs. The opinions and recommendations of related parties are discussed at the meetings for combating violence against women. The 10th meeting was held in 2016 with participation of relevant institutions and organizations. It is planned to carry out activities to increase the effectiveness of the Committee on Monitoring of Violence against Women. In this framework, an activity was included in the Third National Action Plan on Combating Violence against Women (2016-2020).

In this way, it is planned that the annual evaluation of the Action Plan will be carried out by the Committee under coordination of the GDSW, based on the Annual Monitoring Report to be prepared in the framework of the report to be submitted by the parties responsible for implementation of the third Action Plan.

As for the local level, the Regulation on Violence Prevention and Monitoring Centers effective as of 2016 provides for the establishment of "The Provincial Committee on Coordination, Monitoring and Evaluation for Combating Violence against Women" at the provincial level and gathering the Committee in 6-monthly periods chaired by the governor with highest level participation of all relevant stakeholders. The committee meetings have been held starting as of 2016 and activities are continued for the meeting reports to be submitted to the GDSW at regular intervals and ensuring its monitoring by the GDSW.

In addition, various activities are carried out under the headings of awareness-raising and trainings by means of protocols, programs and projects; delivery of preventive services and empowerment victims of violence, promotion of inter-institutional cooperation and coordination and strengthening the institutional mechanisms for protecting and supporting women victims of violence; for purpose of establishing inter-institutional cooperation and coordination.

"The Protocol on Engaging the Faculty of Law Students in Law Clinic Practices Related to the Law No. 6284" was signed on 2<sup>nd</sup> July 2015 among the MoFSP, Ministry of Justice, Ankara Bar Association and Presidency of Ankara University. In scope of the protocol, the

students of the Ankara University Faculty of Law give legal support to victims of violence in Ankara VPMC, Ankara Courthouse and First Step Stations under the Law No. 6284.

As well as efficient provision of services, MoFSP also carries out efficiently the coordination for joint activities among all relevant public agencies and institutions including Ministry of Interior, Ministry of Justice, Ministry of Health and NGOs.

Besides, protocols were signed for relating to activities to raise awareness among various organizations<sup>7</sup>.

#### **D. Coordination and related organizational structure**

In Turkey, an official institution was established to be responsible for prevention of all kinds of violence as well as coordination and implementation of policies and measures on combating violence. For this purpose, GDSW has provided services since 1990 in our country to give women the status they deserve in social, economic, cultural and political fields, promote gender equality and combat violence against women. GDSW, which provides service as Directorate General under the roof of MoFSP, has become an organization that not only develops policies but also delivers services. As a national mechanism, GDSW maintains its activities especially to "carry out and coordinate the protective, preventive, educational, developmental, guidance and rehabilitative social service activities for women, and work for the prevention of violence, custom and honor killings, harassment and abuse of women".

Among 99 employees working within GDSW central organization in 2014, 74 of them were females and 25 were males. 61 of them have a service period of 1-10 years, 10 of them have 11-20 years, 28 of them have 21 years and over. As far as the educational background of the staff members is concerned; 5 of them have PhD degrees, 7 of them have graduate education, 77 of them have undergraduate education, 5 of them have associate degrees and 5 of them are high school graduates. In 2015, 104 personnel were employed. 74 of them were women and 30 of them were males. 61 of them have a service period of 1-10 years, 10 of them have 11-20 years, 33 of them have 21 years and over. Considering the educational background; 3 of them hold PhD degrees, 20 of them have graduate education, 72 of them have undergraduate education, 5 of them have associate degrees, and 4 of them are high school graduates. Of the 100 employees who served in 2016, 67 were women and 33 were men. As for the years of service of the personnel, 60 of them have 1-10 years, 7 of them 11-20 years, 33 of them have 21 years and over; and according to educational status, there are 2 PhD degrees, 18 graduates, 71 undergraduates, 4 associate-degree holders and 5 high school graduates.<sup>8</sup>

In scope of the Law no. 6284, VPMCs, which were formed under GDSW for centralized and multifaceted response to causes, existence and consequences of the concept of violence, are organizational units that play an important role in preventing and monitoring all types of violence under the Convention and monitoring and evaluating the policies and measures to combat them at local level.

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<sup>7</sup> See Article III Prevention

<sup>8</sup> For GDSW budget see Article II Integrated Policies and Data Collection-B

VPMCs are centers of reference that provide support and monitoring services for the prevention of violence and effective implementation of preventive and protective measures, employ the necessary specialized personnel and preferably female staff, carry out their activities 24/7 on the basis of a one-step system, deliver their services effectively and swiftly in a decent manner and are focused on economic, psychological, legal and social empowerment of women. Efforts are underway to extend the centers nationwide to 81 cities.

In addition, Provincial Directorates of Family and Social Policy and Social Service Centers offer counseling, guidance and social support services for victims in places where there are no VPMCs.

According to the Law No. 6284, VPMCs run services for prevention of violence and monitoring of injunction orders, as well as the services for victims of violence and for perpetrators and potential perpetrators.

In order to address the causes, existence and consequences of the phenomenon of violence in a centralized and multifaceted way, VPMCs were opened in 14 pilot provinces (Ankara, İstanbul, İzmir, Malatya, Diyarbakır, Şanlıurfa, Gaziantep, Samsun, Antalya, Trabzon, Adana, Bursa, Mersin, Denizli) in 2012 and efforts were made to open centers in 81 provinces. Within this scope, VPMCs were opened in 26 more provinces (Erzurum, Bingöl, Muş, Kilis, Elâzığ, Sakarya, Kahramanmaraş, Kocaeli, Isparta, Aksaray, Kars, Sivas, Adıyaman, Zonguldak, Tekirdağ, Erzincan, Gümüşhane, Eskişehir, Çorum, Manisa, Çanakkale, Uşak, Konya, Hatay, Düzce and Burdur) in 2015. VPMCs have been in service in 40 provinces by the end of 2015 and 49 provinces by the end of 2016. The VPMCs currently in service are accessible by 82% of the population.

The opening of VPMCs and services and activities to be carried out by them are stipulated in article 14 of the Law No.6284. In addition, preparatory activities for the "Regulation on Violence Prevention and Monitoring Centers"<sup>9</sup>, which will set the working procedures and principles of the VPCMs, were taken up in 2014 and the Regulation entered into force on 17<sup>th</sup> March 2016.

Service units specialized in prosecution offices and courts carry out several activities among the judicial institutions. " Investigation Bureaus for Domestic Violence Crimes " operating within the prosecutor's offices are responsible for following and concluding investigations of violence crimes, carrying out the tasks and procedures in scope of the Law No. 6284, and supervising and monitoring the effective implementation of protective and preventive injunction orders. The judicial proceedings under the Law No. 6284 are settled by the "Family Courts", which are specialized courts.

The Ministry of Justice General Directorate of Criminal Affairs Department of Victims' Rights was established to support the victims in their legal proceedings after the crime was committed, deliver guidance services and prevent recurrent victimizations after the crime. Upon the enactment of the Draft Law on Victims' Rights, it is aimed to deliver many services such as supporting victims of all vulnerable groups, especially children and women, related to

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<sup>9</sup> See Appendix

their undesired experiences, providing guidance services and preventing recurrent victimization after crime by establishing directorates in 139 Criminal Courts.

Administrative chiefs were authorized to carry out preventive actions for the victims of violence in scope of the Law No. 6284. Victims of violence may request issue of preventive injunction orders by applying to the governorships and district governorships where they live.

The General Directorate of Security Affairs and the General Command of Gendarmerie are involved as law enforcement units within the Ministry of Interior.

On 3<sup>rd</sup> August 2011, the "Division for Combating Domestic Violence" was established within the General Directorate of Security Affairs Department of Public Security. "The Bureau for Combating Violence against Women and Domestic Violence" was established on November 11, 2015 within Provincial Directorate of Security Affairs Division of Public Security of 81 provinces to examine the data related to violence against women and domestic violence in the province and represent the organization in the processes and procedures carried out throughout the province. The services run by the General Directorate of Security Affairs in relation to combating domestic violence against women are carried out by the personnel working in 81 Provincial Directorates of Security Affairs, 918 District Directorates/ Divisions of Security Affairs and 1.268 Police Headquarters.

Within the framework of the national and international developments related to violence against women and legislative provisions enacted, The Division for Combating Domestic Violence and Children was organized within the General Command of Gendarmerie Department of Public Order to carry out the operations for women and children from one center, establish cooperation and coordination with other institutions and organizations at the central level, to guide the law enforcement, maintain institutional memory and follow up other developments. Upon enforcement of the Implementing Regulation of Law No. 6284, the "Directive on the Duties, Authorities and Responsibilities of the Gendarmerie for Combatting Domestic Violence, Violence against Women and Juvenile Offenses" was issued and distributed to all relevant units.

Juvenile and Female Crimes Proceeding Sergeants were commissioned as twin officers at the level of Children and Women Section Chief, District/Station Command of Gendarmerie within Provincial Commands of Gendarmerie Department of Public Order to extend the organizational structure. Women sergeants are primarily commissioned in the Children and Women Section Chiefs to facilitate communication with women and children since it is considered that victims express their problems to persons of the same gender more easily.

As a result of the analysis study, the priorities of the provinces where Children and Women Section Chiefs would be established were determined; Children and Women Section Chiefs were established within 48 Provincial Commands of Gendarmerie by the year of 2016. Juvenile and Female Crimes Proceeding Sergeants were commissioned to stay in office until the establishment of Children and Women Section Chiefs in 33 Provincial Commands of Gendarmerie. In District/Station Commands of Gendarmerie, duties of Juvenile and Female Crimes Proceeding Sergeant are carried out by personnel who are appointed to this position as

twin officers. It was planned to open "Children and Women Section Chiefs" in all Provincial Commands of Gendarmerie until the end of 2019.

The main units related to violence against women within the central organization of the Ministry of Health are the Public Health Institution of Turkey, the Public Hospitals Institution of Turkey and the General Directorate of Emergency Health Services - Department of 112 Emergency Health Services. Provincial Directorates of Public Health and General Secretariats of Public Hospitals Union are available in the provincial organization of the Ministry. Family Health Centers, Community Health Centers and hospitals are institutions and organizations that deliver services about violence against women at provincial level.

The Department for the Protection of Victims of Trafficking in Human Beings was established within the Ministry of Interior General Directorate of Migration Management in 2013 as part of combating human trafficking crime which indirectly involves violence against women. Our country became a party to the Council of Europe Convention on Action against Human Beings in 2016. "Coordinating Committee on Anti-Trafficking in Human Beings" was established, envisaging the participation of relevant public institutions, professional organizations and NGOs to promote inter-institutional coordination.

#### **E. Data collection**

Organizations that deliver services in the field of combating violence against women in Turkey collect relevant data to their data systems. In POL-NET<sup>10</sup> used by the Ministry of Interior General Directorate of Security Affairs and Gendarmerie Incidents Information System used by the General Command of Gendarmerie, incidents of domestic violence and violence against women are recorded on a separate screen; the number of events and victims, and preventive injunction orders are classified according to the types of incidents covered by the Law No. 6284; and necessary analyzes are carried out to determine the measures that can be taken with the aim of preventing violence.

In addition, data of willful murder of women are classified according to sex, age and degree by the General Directorate of Security and the General Command of Gendarmerie.

Protective and preventive injunction orders ruled by the judges in the scope of the Law No. 6284 are recorded by the Ministry of Justice in the National Judiciary Informatics System (NJIS)<sup>11</sup> and followed up. Besides, legal statistics pertaining to the accused and offenses are kept based on Article and clause in the Turkish Criminal Code as well as penal statistics; the statistics sorted by case types and the statistics pertaining to the directorates of execution classified by type and number of files.

Available data are recorded by MoFSP in relevant databases and followed up in scope of the efforts to combat violence against women. In this context, the preventive and protective injunction orders ruled in the scope of the Law No. 6284 are recorded by VPMCs in the "Web Based Software Module". The province, victim, implementation period and order information

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<sup>10</sup> Police Information System

<sup>11</sup> National Judiciary Informatics System

related to the protective and preventive injunction orders are entered in the "Web Based Software Module" where the data related to judgments as per the Law No. 6284 are collected.

There is an ongoing process related to the target of building a common inter-institutional database for combating violence against women, as provided for in The Third National Action Plan on Combating Violence against Women. Within this scope, the integration efforts are continued between the MOFSP and the Ministry of Justice regarding the automation of the orders ruled under the Law No. 6284 and in this regard, the Follow-up Module of the Law No. 6284 was renewed.

In addition, the staff members assigned as provincial managers in the provinces where the system is applicable in pilot scheme provide periodic evaluation and feedback on the pilot scheme.

Moreover, regular meetings are held with the Ministry of Justice Department of Information Technologies regarding the transfer of data.

Following the dissemination of the New Follow-up Module, integration activities with related institutions and organizations such as the Ministry of Interior General Directorate of Population and Citizenship, Social Security Institution and the Banks Association of Turkey etc. will be maintained for the automation of the injunction orders, especially confidentiality orders, provided in the Law 6284.

Activities are ongoing in respect to data transfer among the Ministry of Justice UYAP, Ministry of Interior POL-NET and data systems of the General Command of Gendarmerie via the Web-Based Software Module. It is considered that these activities will provide the infrastructure for collection of data related to violence properly and formulation of policies and new service models for violence prevention.

"VPMC Data System" where the data related to the beneficiaries of services provided by VPMCs are collected and which contributes to development of solution oriented proposals and new service models by assessing the data statistically is in use.

The data entered in "The VPMC Data System" are classified by the type of services for victims and perpetrators, date of service and sex. The data concerning the victims of violence are related to "first step stations, women's shelters, consultancy and guidance, application for injunction orders, financial aid and legal support, medical support, psycho-social support, employment support, education support, order schedule oriented activities, vocational trainings and other supportive services". As for perpetrators, data concerning consultancy and referral to training and rehabilitation programs, to medical examination or treatment in health organizations and vocational courses and psychosocial support services are kept.

Information relating to women and their accompanying children who benefit from the services of the first step stations and women's shelters that are operated under the roof of MoFSP are recorded in the Ministry's Management Information System (YBS).

In addition, monthly data pertaining to services offered by women's shelters are collected manually. The data related to women and their children can be segregated by province of application, reasons for applying to the organization, age group, kinship degree of the perpetrator, marital status, education status, employment status, income status, number of children, age and sex of the children, residential area they come from and reasons for leaving home.

Manually collected data about services offered by women's shelters concern psychological support (women and children), legal support, counseling and medical support, allowance and temporary financial aid, social assistance, employment, vocational courses; social, artistic, sports activities, literacy courses, kindergartens, group work in children's clubs, and information/awareness-raising oriented training activities.

The Medical Social Service Units of the health facilities affiliated to the Public Hospitals Institution provides services for the victims of violence and the social service responses to the victims are registered. A total of 5,529 victims of domestic violence received services in 2016. In the provinces, the numbers of cases of violence, preventive injunction orders and in-service training and public education services are kept at Directorates of Public Health in provinces, segregated by the demographic characteristics and patterns response contained in the registration form for violence data.

#### **F. / G. Research**

As did in 2008, Turkey conducted a research on the issue in 2014. The National Research on Domestic Violence against Women in Turkey 2014 is the second survey with the largest sample group representing a whole country and characterized as a follow-up survey of the research conducted in 2008 with the same title, particularly in terms of its quantitative phase. The general objective of the research is to create national data on violence against women, to enable the formulation of target policies and programs and improve the existing policies and programs to combat violence against women more effectively.

The survey is conducted throughout the country. The scope of the survey is the households in all settlements within the borders of Turkey. The study was conducted with women aged 15-59 years in the households. Quantitative and qualitative field activities were carried out in the scope of the research. Quantitative research has a sample design that gives estimates countrywide, at the level of rural and urban settlements and 12 NUTS1 regions. A weighted, stratified and multistage cluster sampling approach was adopted in creation of this sample. A total of 15,072 households were intended to be interviewed. Ultimately, 11,247 household interviews were conducted with a response rate of 83.9% (out of the eligible interviews), and 7,462 women were interviewed with a response rate of 83.3%. The questionnaire form of the research was developed by updating the questionnaires used by the World Health Organization's study on "Multi-country Study on Women's Health and Domestic Violence against Women" and the questionnaire of the National Research on Domestic Violence against Women in Turkey conducted in 2008, according to needs of the state. Qualitative research has a sample design that gives estimates on national, rural and urban settlements and 12 NUTS1 regions.



In the scope of qualitative research, three different methods were used: In-depth interview, focus group interview and content analysis.

The following types of violence were included in the study: The behavior of spouse / partner towards woman, economic abuse by the spouse/partner against woman and frequency of such abuse (in past 12 months and lifetime), emotional abuse and frequency (in last 12 months and lifetime), physical abuse and frequency (in last 12 months and lifetime), sexual abuse and frequency (last 12 months and lifetime), physical abuse in pregnancy, physical abuse of a child by the spouse/partner or woman, physical violence imposed by people other than spouse/partner since the age of 15 and frequency of such violence, sexual violence imposed by people other than spouse/partner since the age of 15 and frequency of such violence, emotional violence/abuse imposed by people other than spouse/partner since the age of 15 and frequency of such violence, economic violence/abuse imposed by people other than spouse/partner since the age of 15 and frequency of such violence, prevention of education by people other than spouse/partner since the age of 15, sexual abuse before the age of 15, physical violence experience of mother by spouse/partner and testimony of the woman, physical violence experience by the spouse/partner of mother of a woman's spouse/partner and testimony of her spouse/partner, and stalking by spouse/partner/ex-spouse/friend/unknown person. The survey collected data on physical violence, sexual violence, economic violence and emotional violence.

The results of the research were shared with the public on December 30, 2015. In addition, research reports (main and summary reports) are available free of charge in both print and electronic media.<sup>12</sup>

Turkey Demographic and Health Surveys (TDHS) have been conducted every 5 years on the sample representing the country, since 1963. The last of these surveys was conducted in 2013. The TDHS-2013 is an internationally comparable research conducted within the framework of the model and standards of the Worldwide Demographic and Health Surveys (DHS program) project. The TDHS-2013 is a national sample survey designed to provide information on fertility levels and change in fertility levels, infant and child mortality, family planning, and maternal and child health. The results of the research are presented at the national level, at the level of urban and rural areas and five geographical regions, and some topics covered by the research are presented at the level of 12 geographical regions (NUTS1).

The research also provides information on a number of factors affecting the women's status, such as marital relationships, employment, child care, and attitudes towards violence against women. In this context, data is obtained relating to attitudes towards physical violence in relation to violence against women (percentage of women between 15-49 years of age who approve men's practicing physical violence against women for certain reasons), behaviors to control women, and the frequency of these behaviors, and gender roles<sup>13</sup>.

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<sup>12</sup> The summary report of the research is available at <http://www.hips.hacettepe.edu.tr/ingilizceozetraporweb.pdf>.

<sup>13</sup> The summary report of the research is available at [http://www.hips.hacettepe.edu.tr/tnsa2013/rapor/TDHS\\_2013\\_main.report.pdf](http://www.hips.hacettepe.edu.tr/tnsa2013/rapor/TDHS_2013_main.report.pdf).

### **III. Prevention**

#### **A. Campaigns and programs**

The struggle to end violence against women is adopted at the highest level in Turkey and the principle of zero tolerance to violence is always emphasized. A campaign titled "Violence against Women, Betrayal against Humanity" was run under the auspices of the Presidency of Turkey. On the occasion of the International Women's Day on March 8, a public service announcement was launched in which the President of Turkey, Mr. Recep Tayyip Erdoğan, and his wife Emine Erdoğan, as well as celebrities from the sports and arts community took place. Attention was drawn to this issue through media communication tools in the scope of the campaign and it influenced the whole country. In addition, as is the case with Özge Can case, the issue of combating violence against women is closely followed by the Presidency and other senior authorities, MoFSP lawyers participate in the proceedings as an intervening party, and public statements are made to call public attention to this issue.

Geared towards reinforcing the equality of men and women in Turkey and preventing violence against women, training and seminars on gender equality and violence against women have been organized for the state employees and university students throughout the country, and protocols have been signed among the Ministry of Justice, Ministry of Interior and Ministry of Health, General Command of Gendarmerie, Presidency of Religious Affairs and MoFSP to ensure sustainability of the trainings. By means of these protocols, trainings have been given to 71.000 policemen<sup>14</sup>, 65.000<sup>15</sup> health personnel and 47.566 religious officials until today and seminars have been organized for Family Court Judges and Public Prosecutors, civil administrators, employees at various levels in public institutions and organizations, media members and university students.

Following the enforcement of the Law No. 6284, seminars were organized by GDSW in 16 provinces for promotion of the Law. The seminars reached out to 6,500 public employees working in public institutions/organizations that deliver services directly to women who were exposed to the violence.

Activities are maintained to raise awareness and improve institutional capacity through the ongoing training protocols among MoFSP and relevant public institutions<sup>16</sup>.

In scope of the Project on Combating Domestic Violence against Women, a model for Support / Supervision was developed for the personnel working in the field of violence against women at the local and national levels and in women's shelters. 8 regional meetings were held in Turkey to publicize the model to local authorities with a population of over 100.000 (except the project provinces). Employees of the Municipalities, Ankara Provincial Directorate of Family and Social Policy, Provincial Directorate of Health, Provincial Directorate of Public Health, Courthouse, and Provincial Directorate of Security and Provincial Commands of Gendarmerie attended to the meetings.

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<sup>14</sup> Since the report period (2014-2016) is not covered, these numbers are not included in the table

<sup>15</sup> Since the report period (2014-2016) is not covered, these numbers are not included in the table

<sup>16</sup> See Section III Prevention - C / D for trainings within protocols.

In scope of the Communication Strategy of the Project, 50 visibility meetings were held in Konya, Erzurum, Kırşehir, Eskişehir, Trabzon, Gaziantep, Antalya, Samsun, Istanbul and Ankara to raise awareness about violence against women among different target groups such as local media employees, family physicians, university students, academicians, mukhtars, representatives of public institutions, etc., and 3.565 people attended to these meetings. In addition, films, public service announcements, posters and brochures were prepared and displayed / distributed to raise public awareness about violence against women.

In scope of the project, Policemen's Guidebook intended for police officers and covering the basic concepts, techniques of interview with victims of violence, roles and responsibilities of police officers for combating violence, work flow etc. was prepared and distributed to 81 provinces. VPMC Service Guide covering the standards of opening and physical conditions, service standards, professional and administrative forms and application guides, workflows and related legislative titles was prepared for VMPC employees and distributed to 81 provinces. A Guideline for Working with Male Perpetrators of Violence against Women, containing information on services available for perpetrators, was prepared. 3 TV and radio service announcements were produced for the publicity of the VPMCs. Project Stories book of the Project on Combating Domestic Violence was prepared. The Summary Book of Technical Support Component of The Project on Combating Domestic Violence was prepared. Interactive Work Flow Schemes were developed for the Ministry of Family and Social Policy, General Directorate of Security Affairs, Ministry of Justice and Ministry of Health. Promotional and visibility materials were produced for information and awareness raising activities in the Project.

The campaign "Say Here I Am to End Violence against Women" was launched on November 25, 2015. In this context, banners which read "Say Here I Am to End Violence against Women" were used in basketball and soccer matches. The campaign logo appeared on the television in sports programs. Important buildings and structures in various cities were illuminated in orange to support the UN's "Orange the World Campaign". Public service announcement films were shown in outdoor advertising areas in Ankara. MoFSP primarily and other ministries provided support to the campaign by displaying campaign logos and public service announcements as message on their websites. Within the framework of activities organized on the occasion of The International Day for the Elimination of Violence against Women on November 25, public service announcements aimed at raising awareness in the society about combating violence against women and preventing early and forced marriages were produced and broadcast on television channels.

A conference on International Norms and Women's Rights was organized by the Ministry of Justice on June 24, 2014 with participation of candidate judges and prosecutors. A workshop on the Protection of the Family and the Prevention of Violence against Women was held in Ankara between 21<sup>st</sup> and 23<sup>rd</sup> October 2016 with participation of 96 judges and public prosecutors.

While 12,768 activities were carried out, 44,770 sermons preached and 191 khutbahs were read by the Presidency of Religious Affairs under the title of "Women (Position, Value and

Rights of Women)"; 879 activities were carried out, 2,262 sermons preached and 14 khutbahs read about "Violence against Women", between 2012 and 2016. "Social Problems and Islam in the Context of Suicide and Custom Killings" panels were organized in Ankara, İzmir and Mersin in November-December 2015.

The Presidency of Religious Affairs published a booklet titled "Views and Practices of Presidency of Religious Affairs for Protection of Family and the Prevention of Violence against Women" to raise awareness and consciousness about combating violence against women.

There are projects for preventing violence, which were developed and implemented by the Bureaus of Family and Religious Guidance that delivers services at local level. Between the years of 2012 and 2016, the following projects were run in various provinces: "Do You Hear Me When I Cry?" in Ordu, " Mom, I Want to Grow up with You" in Diyarbakir, "Virtuous Society Through Virtuous Woman" in Van, "The Role of Values in Prevention of Violence against Women" in Çorum, "Violence is not My Destiny" in Ağrı, "Families Safe From Violence" in Şanlıurfa, "Violence is no Solution but Destruction" in Bayburt, "No Bride Wealth, Custom Killings and Early Marriages" in Şanlıurfa Viranşehir.

The book series titled "My Family", published by the Presidency of Religious Affairs in 2014, was prepared to enlighten our society about the value of the family, problems of family members and elements threatening the family. The 10th book of the series, consisting of 11 books, deals with domestic violence under the title of "I Want Compassion in My Family". Some of the booklets in the series were published in Arabic and distributed to Syrian refugees. The work titled "Being a Family" published in 2016 refers to a model of behavior rejecting violence and promoting compassion.

"Social Problems and Islam in the Context of Suicide and Custom Killings" panels were organized in 2016 and the speech texts were later published as articles.

In scope of "The Project on Support to Human Rights Boards and Women's Rights " conducted by the now defunct Human Rights Institution of Turkey, which then maintained its activities as "The Human Rights and Equality Institution of Turkey", one-day trainings on women's human rights and processing of applications concerning the issue were given to a total of 1,500 members of provincial and district boards human rights and desk staff in 20 different provinces. Furthermore, ten seminars of two-day training were held for 565 participants consisting of mukhtars, religious officers, school counselors, primary health care personnel and social workers, who are all deemed to be opinion leaders, to raise women's awareness on human rights. In addition, panels were organized in 10 different provinces on women's rights in scope of the awareness raising component of the project, and about 500 participants were reached with these panels. Local NGOs working on women's rights were visited and opinions were exchanged with them. In addition, one of the public service announcements, produced in 7 different categories on human rights, addresses the issue of violence against women. These public service announcements produced in the scope of the project were made public through 340 national and local channels.

In scope of the Community Supported Security Service model, awareness raising activities about gender equality, forms of violence against women, emergency aid/ support lines and legislation are carried out by the Gendarmerie in cooperation with the Provincial Directorates of MoFSP.

In 2014-2015, 408 activities were organized to reach out to 112,446 people.

In scope of the European Union Project on "Prevention of Domestic Violence against Women" run by the Gendarmerie between July 2013 and June 2015, coordination and awareness-raising workshops were organized in 30 provinces, distance education module and project website were brought into service, and various advocacy materials (public service announcements, 220,000 brochures, handbooks, etc.) were developed, with the concerted efforts of stakeholders.

Informative brochures and banners were printed to raise public awareness about trafficking in human beings. Trainings on the indicators of trafficking in human beings were organized for the personnel who are likely to come in contact with victims of trafficking as they perform their duties. On December 19-20, 2016, 105 MoFSP representatives were informed about national and international legislation on international protection procedures.

Women's studies centers are available in service under the roof of 58 universities in our country. These centers carry out awareness-raising activities as well as academic studies aimed at producing a solution to violence against women, in cooperation with NGOs and public institutions, in their provinces and regions.

## **B. Formal and/or non-formal education**

An electronic system in which educators evaluate the books to be taught in formal and non-formal education institutions affiliated to the Ministry of National Education (MoNE) was developed in 2012 in scope of the efforts to omit all the discriminatory pictures, expressions and similar items from the textbooks. In the same year, the Regulation on Textbooks and Educational Materials was adopted and it was stated in the Regulation that the books will present an approach that supports fundamental rights and freedoms and rejects any discrimination.

One of the evaluation criteria identified by the Head Council of Education and Morality in this context is "to have a reasonable balance in terms of gender in the examples given and the characters chosen". The expressions either praising or degrading a gender were meticulously avoided and special attention was paid not to include such elements as the educational activities and visuals were developed for the textbooks. In addition, the numbers of male and female students used in texts and visual materials in textbooks / instructional materials were tried to be kept equal and the democratic structure and functioning and the role of parents were carefully expressed in the sections where family related outcomes were handled and attention was paid to equality between men and women. In Curriculum of Guidance and Career Planning Course, it is especially expected from teachers to mention gender roles and

gender stereotypes in choice of profession, in the attainments related to identification of professions.

The Project on Promotion of Gender Equality in Education was implemented by the Ministry of National Education between September 2014 and September 2016 to establish gender equality between girls and boys at schools and promote an egalitarian and gender responsive approach in the whole education sector.

"The Guidelines for Gender Responsive School Standards" was prepared with the project run in 10 pilot provinces (Erzurum, Batman, Samsun, İzmir, Malatya, Mardin, Şanlıurfa, Karaman, Trabzon and Sivas). These standards were designed as an easy-to-implement systematic tool that will promote gender equality in education and facilitate its dissemination in the education system.

The implementation process, which started with the trainings of trainers (ToT), continued with the training seminars that the ToT trainees then delivered in their own schools.

In scope of the project, the legislation and policy documents of the Ministry of National Education were analyzed from gender equality perspective and a report was prepared on this issue. In addition, 14 curricula and 82 textbooks were examined by a commission which was supported by experts and consisted of representatives from various departments, branch teachers of related courses. Texts and images were examined comparatively in terms of basic criteria such as gender, age, place and action in the research conducted employing the content analysis method.

Furthermore, gender equality trainings are continued for the students of medical faculties and health colleges in the context of the protocol signed between MOFSP and the Council of Higher Education (CHE).

"Department of Women's Studies and Problems in Academia" was established within the Presidency of CHE on May 29, 2015. "The Reference Document on Gender Equality Attitudes for the Institutions of Higher Education " was prepared and delivered to all higher education organizations, with the request of monitoring the issue carefully. The reference document provides for the steps due for increasing awareness of students, staff members and academicians about gender equality, mainstreaming gender equality in organizational activities, establishing secure campuses and opening courses on gender etc. Courses on gender equality were opened as an elective course in many universities.

### **C. /D. Professionals who receive initial (education or professional training) and in-service trainings**

Training programs were organized for the personnel at all levels of service delivery to improve the efficiency in services for women who suffer from or are under risk of violence. In this context, in-service training program of five days was organized in 2015 for 419 professionals and administrative staff working in the field of combating violence against women in organizations affiliated to the GDSW, Provincial Directorates and Directorates of

Social Services. The training program covered various subjects such as anger management, crisis and crisis intervention, project design and project cycle method, legislation, budget and procurement procedures, methods of coping with stress.

In scope of the Project on Combating Domestic Violence, training modules were developed for police officers, health personnel, judges and public prosecutors, chief clerks, family court experts and the staff of our Ministry. Trainings of trainers were completed with participation of 506 Police Officers, 22 Judges and Prosecutors, 125 Chief Clerks, 147 Family Court Experts and 221 Health Personnel. In addition, a 5-step training program was applied to 124 professionals in our Ministry. Trainings of trainers were completed for a total of 1,280 public personnel in this framework.

Three-day in-service and pre-vocational trainings were organized for 107 judges and prosecutors. Trainings for 28 personnel working in women's counseling centers affiliated to local administrations and non-governmental organizations were also completed. Burnout training program was implemented for 94 personnel in GDSW.

Supervision trainings were completed for 31 Ministry of Health personnel, 30 General Directorate of Security personnel, 26 Ministry of Justice personnel and 124 personnel in our Ministry to ensure sustainability of the trainings in each organization. Trainers' trainings were provided to 174 Directorate of Public Health personnel and 891 Family Physicians and Family Health Personnel were trained by the Ministry of Health. Furthermore, 16,366 people were trained on gender equality, violence against women, legislation and mechanisms of recourse. The Ministry of Justice organized trainings for 689 people consisting of 125 Chief Clerks, 386 Clerks, 178 Psychologists, Pedagogues and Social Workers. ToT trainees delivered trainings to 7.128 personnel working in the field of combating domestic violence and violence against women in provinces in 2016 and 1.009 personnel in 2017. The trainings are expected to reach out ultimately to 35.000 health personnel and 140.000 law enforcement officials.

"Trainers Guidebook on Prevocational Training for Judges / Prosecutors", " Trainers Guidebook on In-Service Training for Judges" and "Trainers Guidebook on In-Service Training for Prosecutors" were prepared for judges and prosecutors in the scope of the Project on Combating Domestic Violence and the cited materials will be used by Justice Academy of Turkey in the pre-vocational and in-service trainings to be organized later. Training materials concern Gender Equality, Violence against Women (Definition, Types, Causes and Effects), Institutions and Organizations Providing Services on Violence against Women, National and International Regulations, Gender Perspectives of Judges and Prosecutors for Combating Violence against Women.

A curriculum was prepared for use in the trainings to be organized by the Presidency of Police Academy including the subjects such as Gender, Violence against Women, Principles of Working with Women Exposed to Violence, Interviews with Women Exposed to Violence, Common Factors Observed in Perpetrators, Institutions and Organizations Providing Services on Violence against Women, International and National Regulations on Violence against Women, Work Flow and Case Study.

A Distance Education Guide Material was developed for family physicians in the Ministry of Health. The material includes various subjects such as Gender Equality, Violence as a Health Issue, The Impacts of Violence against Women on Children, The Role of Health Service Personnel in Combating Domestic Violence, International and National Regulations on Violence against Women, Phenomenological Approach to Violence against Women, Approach to Sexual Violence Traumas, Register Notification System and Judicial Report Preparation, Risk Assessment and Security Plan, Interview Techniques and Common Factors Observed in Perpetrators and Organizations Providing Services for Violence against Women.

It has been planned to put the "Project on Institutional Capacity Building for the VPMCs, First Step Stations and Women's Shelters" into practice between January 2017 and December 2018 to ensure sustainability of the project training activities.

With "The Protocol on Seeking the Contributions of Religious Officials in Protection of Family and Prevention of Violence against Women" signed between the MoFSP and the Presidency of Religious Affairs in 2013, it was aimed that the religious personnel (preacher, imam, muezzin-trustee and Quran course instructors) reach to citizens in mosque and other places and inform them correctly by organizing in-service trainings for raising awareness and sensitivity on various issues such as domestic violence, violence against women and children, approach to victims, implementation of the Law Nr.6284 on the Protection of Family and Prevention of Violence against Women and other relevant laws within the context of positive role of religion on preventing the violence for the personnel of Presidency of Religious Affairs who always engages in dialog with citizens and has a leadership position in the society. The training programs were implemented in two stages, namely five-day training of trainers and one-day field training. Within the context of the protocol, 537 trainers were trained, consisting of imam, muezzin-trustee, preacher, Quran course instructors; and the field trainings of 47,566 religious personnel were completed through these trainers.

Under the Cooperation Protocol signed between the MoFSP and the UNFPA Turkey Country Office in 2014, "trainings of trainers on gender equality" were held with participation of a total of 100 social workers in the provincial organization of MoFSP.

In the pre-vocational trainings, the Protection of the Family and the Violence against Women is given as a compulsory course during 8 hours for each candidate judge and prosecutor. In-service trainings are carried out under the title of "Law on the Protection of Family and Prevention of Violence against Women and Practices of the Law" for a period of 2, 5 days depending on the requests for judge and prosecutors during certain periods of the year. In this context, two in-service seminars were held in 2014 and 2015.

Orientation Training Seminar containing the issues of violence against women, gender equality, techniques for interview with child victim, approach to victims was held for 6 days in 2015 and 2016 for 64 psychologists, pedagogues and social workers who were novice in juvenile courts, juvenile heavy criminal courts and family courts. In-service trainings on violence against women and gender equality were held for 741 editors in chief at civil courts and 139 editors in chief of judicial and administrative jurisdiction commission for 5 days in 2015, for 214 clerks in judicial and administrative jurisdiction commission for 6 days in 2015,



for 812 clerks in office of judicial public prosecutor for 6 days in 2016. In addition, a 3-day in-service training seminar titled "Women, Family and Child in the Turkish Justice System" was organized for 16 judges working in the jurisdiction in 2016.

Trainings of trainers are given to the professional staff working in the provincial organizations under the title of "The Role of Health Personnel in Combating Violence against Women" by the Ministry of Health. In-service and public trainings were organized for primary health personnel in provinces by the staff members who have received training of trainers. The trainings include all kinds of violence. The trainings were started in 2015 and will continue.

152 and 174 members of profession took training of trainer in 2015 and 2016, respectively. In addition, 32.229 primary health personnel were trained within the scope of in-service training in 2016.

The Protocol on Building Institutional Capacity, Cooperation and Enhanced Coordination in Promoting Gender Equality and Combating violence against Women was signed between the Ministry of National Defense and the MoFSP on 3<sup>rd</sup> July 2013. A three-term four-phase in-service training program (2014-2016) was carried out under the protocol and a total of 490.222 personnel were trained in 2014 and 2015 through 60 specialist trainers and 7197 trainers. Trainings were maintained in 2016 as well. The provisions of the Protocol were extended for the year 2017.

Within the context of the cooperation protocol signed between the Ministry of Interior Gendarmerie General Command and MoFSP on 12 April 2012, two Trainer Trainings were organized with participation of total 36 trainers and the course book of "Combating Violence against Women" was published to raise awareness and sensitiveness on the issues of "gender equality" and "violence against women" with the aim of inclusion of these topics in the curriculum of the schools within the Command. In addition, there have been five daily courses on "Gender Equality and Prevention of Violence against Women" under the Prevention of Children Crimes and Violence against Women" program since 2013.

In the scope of the Gendarmerie General Command Professional Development Plan, in-service training is organized on "Preventing Children Crimes and Combating Violence against Women" for two weeks in two-term period in a year. 135 and 127 Gendarmerie personnel were trained on this subject in 2014 and 2015, respectively. MoFSP provides trainer support to these trainings. In-service training is given to Public Order Team Commander/Deputy Commander/Personnel with twin officers in the Provincial Gendarmerie Command by the personnel who have attended in-service training and received training of trainers. 14,805 and 10,026 gendarmerie personnel received training in 2014 and 2015. Within the framework of the European Union Project on Prevention of Domestic Violence against Women conducted by the General Command of Gendarmerie between July 2013 and June 2015, a working visit was organized to 8 EU member states and 2,066 ranking personnel and 18,967 ranks and files were given "Training on Combating Domestic Violence".

"Gender Equality Certification Program" was prepared in the scope of the Project on Gender Equality in Education conducted by the Ministry of National Education. 6,000 personnel were

acknowledged on gender equality and gender equality in education through the Certification Program. In addition, 542 female educators were trained in the project provinces within the "Leadership and Entrepreneurship Training for Female Teachers" program with the aim of acquiring competencies for executive positions and becoming role models for their students.

With the financial contribution of the Swedish International Development Cooperation Agency (SIDA) and the cooperation of İSKUR and ILO to support the comprehensive activities carried out by the Turkish Employment Agency in the field of women employment, the project entitled "More and Better Jobs for Women: The Project on Empowerment of Women for Decent Jobs in Turkey" is carried out and "training of gender responsive public employment services" was organized for 175 job and vocational counselors and employment services for women victims of violence were also discussed in trainings in the scope of project.

### **E. / F. Perpetrator oriented programs**

Comprehensive works are conducted for perpetrators of domestic violence by various Ministries. "Support Services for Perpetrators" were identified in the scope of Articles 26 and 27 of Law No. 6284. VPMCs are responsible for preparing a detailed social research report on a person upon judge decision and a report on effects of the measure on the person upon authorities' request, guiding the person to education and rehabilitation programs, guide the person for examination or treatment at any health organization, and directing the person to vocational courses. There is a provision envisaging that injunctions related to rehabilitation and health services for the perpetrators shall be carried out by the relevant departments of the Ministry of Health and coordination shall be ensured by VPMCs.

In this scope, it was envisaged to establish "Emergency Psycho-Social Support Centers" in the hospitals for rehabilitation services for perpetrators with the "Cooperation Protocol on Combating Violence against Women" signed between MoFSP and the Ministry of Health and activities are still ongoing. In case that the person with rehabilitation injunction does not come for treatment, the case is reported to the Court by the Ministry of Health. Such cases are subjected to coercive imprisonment and criminal proceedings under the relevant Laws if necessary. In accordance with the preventive injunction orders issued under the Law No. 6284 within the Ministry of Health, 6,070 injunction orders were delivered to the Directorates and necessary guidance was given to 861 applicants in 2016.

Women victims of violence are informed about utilization of program by the perpetrator and the purpose of the program. The woman is called at regular intervals as agreed and asked if any support is needed. Support is provided so that she can make healthier decisions about her relationships with the man. One of the basic principles is that the woman's judgment is always respected. If the man leaves the program, she is informed. In addition, violence can lead to various psychological problems on women. Besides referral to relevant departments of the hospitals, it is possible to make referral to the Community Mental Health Centers, which also provide various social activities and occupational therapies.

Pilot study of the project, which was developed to implement the "Awareness Program on Anger Control and Violence" for the persons with injunction orders under the Law No. 6284, was carried out in VPMC under the Provincial Directorate in Ankara. A total of 103 men who committed violence against their wives and were ordered to receive anger control trainings in the scope of court injunction orders were identified as priority target group in Ankara in 2012-2014. 14 male and 10 female professionals that work in Ankara Provincial Directorate of Family and Social Policies and affiliated organizations and will take part in the project were trained within the subject for 9 days. Preliminary interviews were carried out by the female professionals with the wives of perpetrators and social stories were listened. In addition, interview plans are prepared for perpetrators whose injunction orders are maintaining and individual interviews are arranged with the perpetrators by receiving counseling service from Hacettepe University Social Work Department. Perpetrators are offered guidance about recognition of emotions, behavior evaluation, power control and legal processes in individual interviews.

In the scope of "Project on Combating Domestic Violence" a report including basic information that may be needed by relevant professionals during work for perpetrators was prepared as a guideline.

Assessment, Profile Tools and Rehabilitation Programs Project (APTR) was carried out in the scope of establishment of a well-defined, well-structured and individualized enforcement service including the development of a fully functional system to ensure the rehabilitation, treatment and recuperation of prisoners with different criminal backgrounds and ensure that the staff of the penal institutions deliver services in accordance with EU standards. In the scope of APTR project, 15 new intervention programs were developed for prisoners in penal institutions and also, an intervention program was developed for prisoners who committed domestic violence. The overall goals of this program, which is a mandatory group intervention program and applied to male prisoners, are to change negative behaviors by making them examine their deep-rooted attitudes and reactions and help them eliminate any violent behavior against the partner. Training activities on implementation of this program, which the psychologists and social workers working in all the penal institutions attend, were organized for total 450 psychologists and social workers within 2017.

Regulation on Treatment and Other Liabilities to be applied to Convicts of Crimes against Sexual Immunity was published and entered into force on 26/07/2016. In our legislation, regulation on treatments and liabilities in this scope is mentioned in 108th article with the title of "Execution regime and probation measures special to stalker and certain perpetrators" of Law No. 5275 on Execution of Penal and Security Measures. It was ruled that convicts of crimes against sexual impunity shall be under obligation during execution of penalty and in case of release on probation, pursuant to the relevant regulation.

Rules and procedures on setting and implementation of obligations of persons sentenced to imprisonment for "sexual assault" defined in second paragraph of 102th Article, "sexual abuse of children" defined in the 103th Article and "sexual intercourse with a minor" defined in second and third paragraphs of the 104th Article of Turkish Criminal Code as well as medical

treatment and recovery programs were regulated with "Regulation on Treatment and Other Liabilities to be Applied to Convicts of Crimes Against Sexual Immunity".

APTR also developed a Sexual Desire Controlled Intervention Program. This program aims to reduce the possibility of commission of new sexual crimes through different techniques and appropriate intervention methods. It is a group intervention program which aims to provide psycho-training to convicts for sexual intercourse with right partners without violence, should be implemented by experts, provided to 8-10 persons, lasts for 9-12 months depending on group dynamics and designed as 2 hour-session per day a week. It is planned that the implementation of this program, on which psychologists and social workers working in all penal institutions receive training, will be started in 2017.

In scope of the Project on Improvement of Mental Health and Addiction Services in the Penal Institutions conducted by the Ministry of Justice, an individual intervention plan is formulated for convicts and prisoners with sexual crime and necessary interventions are conducted by psychologists and social workers.

In addition, the Anger Control Intervention Program is administered to convicts and detainees on remand in Penal Institutions by psychologists and social workers. 4,229 people participated in 390 anger control programs deployed in 2016.

There are programs which aim to provide anger control and prevent drug addiction and criminal behavior within probation training and improvement activities. Each program can be conducted with participation of people from all criminal groups including violence against women and domestic violence. Furthermore, awareness-raising activities on issues such as family communication, parental attitudes, stress management and empathy are maintained in the seminar works. Workshops are also held in cooperation with other public institutions and organizations in the related seminars.

8,155 convicts participated in 778 seminars held in the field of domestic violence, family communication, family life skills and family law in 2016. In the scope of Awareness Program on Smoking, Alcohol and Substance Addiction which can be utilized by perpetrators of domestic violence, 122.978 sessions were offered in 2016 and 172.266 convicts participated in these sessions. In the scope of the Anger Control Program, 122.978 sessions were offered and 7798 convicts participated in these sessions within 2016. In scope of the Intervention Program on Change for Life, 28,689 sessions were offered and 25.771 convicts participated in these programs.

In the scope of probation services under the Regulation on Probation Services, improvement activities are conducted by probation experts with regard of needs of convicts by considering risks of suspects and convicts if deemed necessary as a result of risk and need assessment or in case that the court orders guidance activities. The convict with probation is obliged to comply with and endure the summons and probation plan, liabilities determined in the scope of improvement activities, execution rules and warnings and proposals of probation personnel.

## **G. Communication with private sector and media**

There is an independent provision on preventing gender inequality and any discrimination against woman in the Law on Establishment and Broadcasting Services of Radio and Televisions which entered into force on 3<sup>rd</sup> March 2011.<sup>17</sup> In the Regulation on Procedures and Principles of Broadcasting Services, there is a provision as follows: "Broadcasting services cannot contain programs that fall in conflict with gender equality, encourage repression against women, and make it be inured, and abuse women. It cannot encourage that the custom is utilized as a suppression agent against women in the society."

In 2014 and 2015, a total of nine media service providers were reported for the related broadcasts due to violation of the aforementioned principle, and the Supreme Council imposed administrative fines on them as a sanction.

According to the "Law No. 6112 on Establishment and Broadcasting Services of Radio and Television" and "Regulation on Principles and Procedures of Broadcasting Services", broadcasting services cannot contain and encourage broadcasts that make discrimination based on gender and humiliate individuals. In addition, broadcasting services cannot contain programs that fall in conflict with gender equality, encourage repression against women and abuse women.

According to the Press Law No. 5187, those who publish articles and images that are beyond the boundaries of informing about sexual assault, murder and suicide and may encourage readers to such actions shall be punished with fines. According to the Turkish Criminal Code No. 5237, a person who publicly humiliates a part of the public on the basis of gender differences shall be sentenced to imprisonment. According to the "Regulations on Commercial Advertisement and Unfair Business Practices" entered into force in 2015, "advertisements ... cannot contain detracting, abuse, prejudice or discrimination against gender..."

As of 2017, one of the permanent specialization commissions established under various titles within the Department on Monitoring and Evaluation was designated as "Commission on Combating Gender and Discrimination" and submitted to the approval of the Presidency of the Supreme Council. In this process, it is planned to create guideline principles with the aim of preventing gender inequalities and any kind of discrimination against women in certain broadcasts.

It was envisaged the prevention of access to the limited number of catalog crimes listed in the Turkish Criminal Code pursuant to the Law No. 5651 on the Arrangement of the Broadcasts on the Internet and Combating Crimes Committed Through These Broadcasts. Access blocking transactions are performed by assessing notices delivered to Internet Technologies

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<sup>17</sup> (Law No. 6112: 8 / 1.s) "Broadcasting services cannot contain programs that fall in conflict with gender equality, encourage repression against women and abuse women."

Information Center by Information Technologies Authority regarding obscenity and prostitution crimes in 226th and 227th articles of Turkish Criminal Code.

GDSW is planning to implement the "Project on Women's Representation in Media" in 2017. In scope of the Project which will be carried out to find out the effects of representation of women in media on the social and cultural structure of women and society, Surveys on Media Professionals' Perception of Women's Representation in Media and General Perception of the Society Regarding Representation of Women in Media will be carried out. In line with the results of the survey, informative meetings will be held for the senior employees of the television, newspaper and internet media organs (Chief Editors, Editors, Regional Officers etc.); media organizations will be visited in scope of informing the television, newspaper and internet media employees.

The projects such as "The Equality at Work Platform", "Mom's Job, My Future" for the establishment of nurseries in the Organized Industrial Zones (OIZ), Gender Responsive Budgeting Project, and "Young Ideas, Powerful Women" were carried out with the aim of economic and social empowerment of women and closing the gender gap in cooperation with private sector.

#### **H. Self-control in media**

There are articles on sensitiveness to the problems of women and non-discrimination of gender in the twelve-point "Principles of Broadcasting Ethics" prepared in cooperation with the Television Broadcasters Association and RTSC on July 3, 2007. The issue is assessed in a section titled "Women and Objectification" is included in the "Guide for Television Journalists" (2009), which is a continuation and complement of it. Discrimination against women was regulated in the section "Discrimination" of the latest "Guidelines for Broadcasting Principles" prepared in 2014.

In the professional principles set by the Press Council, the first self-control body for the media, there are statements indicating that no one can be condemned and humiliated because of their gender and it should be avoided from broadcasting encouraging violence and tyranny, and offending human values. Among the ethical principles set by the Media Association there are statements indicating that "The news should not use any provocative or discriminatory language." Turkish Journalists' Declaration of Rights and Responsibilities by the Journalists Association of Turkey states that journalists should not make discrimination on the basis of gender and the journalist cannot broadcast justifying, encouraging and provoking any kind of violence.

#### **I. Sexual harassment in workplace – raising awareness of human resources personnel**

In our legislation, the term of sexual harassment is regulated in 105th Article of the Turkish Criminal Code (TCC) and 24th and 25th Articles of the Labor Act.

Pursuant to the 105th Article of the Turkish Criminal Code punishment for the sexual harassment is imposed upon the victim's complaint. The person who committed this crime is sentenced to imprisonment from three months to two years or imposed fine. Physical contact is not required for the sexual harassment to be punished and penalties are more severe if perpetrator works at the same workplace with the victim (See Appendix).

"Committee on Combating Mobbing" was established within the Ministry of Labor and Social Security (MoLSS) with participation of non-governmental organizations and relevant parties pursuant to the 5th Article of the Prime Ministerial Circular on Mobbing in the Workplace.

The committee contributes to policy making process, coordinates training and informative activities, conducts/procures research and investigation on required subjects, prepares report, guide and informative documents and conducts awareness-raising activities for the public across the country for prevention of mobbing in the workplace.

In addition, complaints about mobbing through individual petitions by the employees or through the Prime Ministry Communications Center (PMCC), Communications Center of the Presidency (CCP) are investigated. Mobbing complaints made through ALO 170 Hotline of the Labor and Social Security Communication Center is investigated and the employees are provided with help and support by the psychologists via this hotline.

In the brochures prepared by GDSW in scope of awareness raising activities, people are informed about "Complaint and Application Mechanisms" for the labor market. These brochures are available on the website of GDSW as well as distributed on various platforms.<sup>18</sup>

Sabancı University Corporate Governance Forum issued the Business against Domestic Violence Policy Development and Implementation Guide based on the Istanbul Convention and Law No. 6284 to assist companies in developing a business culture that does not tolerate violence against women and to ensure gender equality at the workplace.

## **J. Other measures**

The activities conducted in the field of preventing violence against women by the institutions in particular MoFSP are maintained and other relevant institutions working in the field are supported.

A workshop was held on 7-8th April 2016 to provide information sharing between Women's NGOs and Municipalities that include Women's Counseling Centers and Municipalities that do not include Women's Counseling Centers, establish a standard for Women's Counseling Centers and determine good practices. As a result of the activities, a guide was prepared for Women's Counseling Centers.

In addition, Workshop on International Experiences in Combating Violence against Women was held on 28-29th November 2016. In the workshop, the following topics were addressed: Services for Perpetrator, Psycho-Social Support and Post-Shelter Services.

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<sup>18</sup> <http://kadininstatusu.aile.gov.tr/yayinlar/dagitimda-olan-yayinlar/dagitimda-olan-yayinlar> Turkish and English versions are available

Gendarmerie units conduct preventive services by informative activities about relevant legislation, hotlines and assistance mechanisms for women victims through banner, brochure and promotion materials in the areas where men are densely populated considering the perpetrators of violence against women are usually men and where women are populated densely and at schools in coordination with relevant organizations and local authorities for the purpose of prevention of violence against women, changing violent behaviors and supporting victims. 112,446 citizens were reached in 408 activities conducted in 81 cities in 2014-2015. The General Command of the Gendarmerie also carries out the Project on Building Institutional Capacity of the Child and Women's Sections funded by European Union. In scope of the project, it is aimed to create a communication and advocacy strategy of gendarmerie on violence against women, duties and services for children and domestic violence organize trainings for personnel in 59 cities and disseminate advocacy through trained personnel.

Ministry of National Education has carried out various awareness-raising activities in the context of Project on Gender Equality in Education. . In this context, public service ads were produced to raise awareness on gender equality, and awareness-raising materials were used on the billboards. In addition, 1000 posters were prepared and distributed to schools and provincial directorates of national education.

In scope of the Project on Preventing Domestic Violence, coordination and awareness-raising workshops were organized in 30 provinces to develop cooperation and coordination with participation of the representatives from relevant public institutions and organizations, and NGOs and local authorities. Distance education module and project website were brought into use and various advocacy materials (public service ad, 220.000 brochures, handbook, etc.) were prepared.

#### **IV. Protection and Assistance**

##### **A. Informing the victims**

Arrangements have been made in Turkey to provide the stakeholders with access to information about the support services and legal measures properly and in due course. The cited services are run by the VPMCs.

In the scope of Law No. 6284, VPMCs provide various services for victims of violence such as sheltering, temporary financial aid, guidance and counseling, follow-up and monitoring in case of life threatening situation, crèche support, legal support, medical support, employment, scholarships for children, educational assistance etc. The VPMCs are the centers that provides services on 7/24 basis. (The duties of VPMCs are listed in the 15th Article of the Law No. 6284).

Activities are carried out to provide guidance on personal rights, institutions providing supports, employment, and participation in vocational training courses in the framework of the provisions of Law no. 6284. Women victims of physical, sexual, psychological or



economic violence are served by shelters with no discrimination and only by taking into consideration the woman's statement. In the course of service delivery, women are informed about their rights and women's shelter rules when admitted to the organization.

Women and children are delivered various services in the fields of security, counseling, temporary financial aid, crèche support, vocational training course, group work, scholarship for children, social, artistic and sports activities etc. as well as professional activities for investigating the situation of women and solving their problems directly or with the help of relevant organs in accordance with the Regulation on Opening and Operation of Women's Shelters<sup>19</sup>. In women's shelters, 7.327 women in 2014, 7.167 in 2015, and 6,764 women in 2016 participated in "information / awareness-raising training activities".

In addition, various visual and printed materials were prepared and distributed by MoFSP in the scope of raising awareness and combating violence against women.<sup>20</sup>

See Section II Integrated Policies and Data Collection for informing activities of the Department of Victims' Rights. Informative brochures and booklets were prepared by the Ministry of Justice regarding the implementations of Law No. 6284 and are delivered to the victims. In addition, an informative website was set up on the implementation of Law No. 6284.<sup>21</sup>

Victims to whom social service intervention is applied are informed by Medical Social Services Units affiliated to the Public Hospitals Institution. Women victims of violence who apply to primary health care institutions due to violence are subjected to risk assessment and guided to relevant institutions and organizations. Informative handbooks prepared by the Ministry of Health are also provided. In case of application of any woman victim of violence to primary health care institution, a series of action are taken such as security plan, informing, referral to advanced medical diagnosis and treatment, referral to women and child protection services, referral to psychological support / counseling and follow-up plan. Chief Public Prosecutor, the law enforcement officials or the VPMC are also informed.

Informing brochures are available for victims who apply to law enforcement officials and are reminded that that they can apply to the VMPC for themselves, children and family and get help and counseling for psycho-social and economic problems and similar issues.

Victims of human trafficking in our country are provided with victim support programs on the basis of informing and consent considering the safety, health and special situation of the victim during and after the stages of investigation and prosecution. After the foreign victim identification process, the person is sent to home country or a secure third country in case that the victim declares that he/she does not want to benefit from the support program during or at the end of support program. Victim support services are provided under coordination of the Ministry of Interior, Directorate General of Migration Administration and in cooperation with relevant public institutions and organizations, NGOs and international organizations.

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<sup>19</sup> See Appendix

<sup>20</sup> See Article III Prevention

<sup>21</sup> [www.evicsiddet.adalet.gov.tr](http://www.evicsiddet.adalet.gov.tr) English version of the website is also available

## **B. Support services**

For sheltering supports, see response D-Special support services for women victims and their children.

Victims of violence are delivered various services such as security, counseling, temporary financial aid, crèche support , vocational training courses, group works, scholarships for children, educational assistance etc. directly or on referral to relevant organizations as well as professional activities for investigating their situations and offering a solution to them.

In the scope of professional activities carried out by professionals (social workers, psychologist, child development specialist), there are several activities for overcoming negative emotions like hopelessness, worthlessness, guilt, shame and fear due to violence against women and children, reconstitution of self-confidence and self-respect, providing psychological support to identify new life options in a healthy way and taking necessary measures for vocational grants.

It is cooperated with Bars for legal support, with MoNE Public Education Centers and Provincial Directorates of Employment Agency for professional support as well as psycho-social support services in the scope of professional activities at the shelters to provide and sustain women's participation in social life in the provinces where VPMCs are available.

Women who receive services from women's shelters are provided with financial support in accordance with the Regulation on Opening and Operation of Women's Shelters. In this context, women and children who benefit from the first step stations or shelters and have no income are granted allowance based on social investigation reports in case that it is not ordered to make temporary financial aid under the Law No. 6284. Cash allowance is granted on the first day of month on signature according to bordereau prepared by the shelter and not cut till the salary is paid to them.

Children of women at shelters who continue their education, who are unemployed and continue their education are also granted allowance.<sup>22</sup>

Apart from this, "Clothing aid" is paid in kind. The color and form of the clothing to be given according to needs is determined by the relevant women's shelter and these are bought according to standard body size, season, child age and gender and delivered to women. It is paid attention that color and models of clothing are not the same.

In scope of the Law No. 6284, VPMCs provided legal aid to 1,218 people in2014, to 1.411 persons in2015 and to 1.509 persons in 2016.

Legal support and counseling service were provided to 5,201 women in 2014, to 5,201 women in 2015, and to 5,158 in 2016 in women's shelters. Bars are cooperated to provide legal support to the victims.

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<sup>22</sup> Allowances are covered from the budget of municipalities for women and children staying at shelters of local administrations and from the budget of Ministry for those staying at shelters of NGOs. Allowances to be paid are tax-exempt.

In addition to the services provided under the regulations in Law No. 6284, women victims can also demand for legal assistance in two ways. The first is that they may apply to the legal assistance offices or representatives of bar associations for an attorney under the Legal Practitioners Law. Upon evaluating the requests of the persons on legal assistance applications with the required documents and information, the Bar Association can appoint a lawyer to the persons who meet legal assistance conditions. The second one is that the legal assistance which is regulated in the 334th Article of the Civil Procedure Code No. 6100. According to Article, the persons who are deprived of paying the necessary jurisdiction or follow-up expenses partly or wholly can benefit from legal assistance on their claims and advocacy, requests for temporary legal protection and follow-ups provided that their requests are not manifestly ill-founded.

On the other hand, in accordance with Criminal Procedure Code, the victim or the person affected by crime has the right to request for a lawyer from bar association to be assigned to a criminal file which requires a lower limit of five-year imprisonment with sexual assault, if she joins the case.

In scope of Law No. 6284, psycho-social support units located in VPMCs deliver services to both victims of violence and perpetrators and potential perpetrators. These units interview with victims of violence and perpetrators, prepare necessary reports, determine the service model to be provided, carry out and coordinate the support and guidance services for the resolution of the problem, monitor the results and prepare and follow the measure plan. Psycho-social support unit has sections such as a professional interview room and a rest room. 35.646 people received psycho-social support services from VPMCs between 2014 and 2016.

Furthermore, professional activities are carried out to investigate women' situation, conflicts with their family or spouse and resolve the problems. In scope of the activities carried out by professionals social worker, psychologist, child development)psychological support is provided to victims on overcoming negative emotions like hopelessness, worthlessness, guilt, shame and fear due to violence against women and children, reconstitution of self-confidence and self-respect, identifying new life options in a healthy way. At women's shelters, 18,384 women and accompanying children in 2014, 15,547 in 2015 and 15,526 in 2016 received psychological support and counseling services.

7.327 women in 2014, 7.167 women in 2015 and women 6.764 in 2016, who benefited from sheltering service, participated in awareness raising activities funded by the allocations from the MoFSP budget. In women's shelters, literacy courses were benefited by 905 women in 2014, 1,067 women in 2015, and 1,003 women in 2016.

15.291 women in 2014, 16.962 women in 2015, and 16.520 women in 2016 benefited from health services in women's shelters. In 2016, 10,094 women who applied to health institutions due to violence were given free health care. The relevant public administrations are obliged to pay premium for these persons<sup>23</sup>.

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<sup>23</sup> This is also mentioned in Article 19 titled "Health Expenses" of the Law Nr.6284 and Article 44 of the Implementing Regulation Thereof. Additionally, according to the provisions of Social Security and General Health Insurance Law No. 5510, among persons with protective

Within the framework of the cooperation protocol signed between the MoFSP and the Ministry of Labor and Social Security in 2012 in the context of the counseling services for women victims of violence in women's shelters are referred to the Turkish Employment Agency. In addition, special courses are organized by the Ministry of Labor and Social Security for disadvantaged groups of women. 36,160 people participated in the courses organized for groups requiring special policy, and about 78% (28.364 people) of the participants were women.

Job seeking skills seminar was organized for 613 women victims of violence in January 2017 and 66 women victims of violence in 2016 through VPMCs.

Protection commissions were established in 139 centers by the Ministry of Justice. The commissions aim to eliminate the psycho-social and economic problems of persons affected by crime, minimize the effects and consequences of crime, provide the necessary support services to help the victims and prisoners released from the penal institutions in coordination with the relevant institutions and organisations to help their adaptation to the society and prevent them from relapsing. The commission is composed of public institutions, private sector and NGO representatives. Protection commissions provide psycho-social and economic support on the subjects such as in kind and cash aids, sheltering, access to employment and legal aids etc. and inform and guide relevant organizations for victims with different needs.

### **C. Access to individual and collective complaint mechanisms**

Efforts have been maintained in Turkey to inform the victims of violence about the regional and international mechanisms of recourse available for them.

Turkey ratified the European Convention on Human Rights on 10<sup>th</sup> March 1954, and granted the right to individual petition on January 28<sup>th</sup>, 1987. It accepted the compulsory jurisdiction of the European Court of Human Rights (ECHR) on January 28<sup>th</sup>, 1990. In this context, anyone who claims to be a victim of a breach of the Convention may apply to the Court against our country with a petition containing an allegation that one or more of the rights set out in the Convention were violated. There are guidelines, application forms, useful documents, flowcharts and FAQ sections on how to make an individual petition to the ECHR on the website of the Ministry of Justice. In addition, individuals whose fundamental rights and freedoms were violated by the action or negligence of the public power have the right to individual application to the Constitutional Court after exhaust all other remedies

Turkish Ombudsman Institution (TOI) began receiving applications for complaints in 2013 under Article 74 of the Constitution. The Ombudsman Institution also works to inform the public about its activities. In particular, it pays attention to contact with vulnerable groups in the community and applications of disadvantaged individuals, especially women, children, and people with disabilities are encouraged. In this context, the applications which were decided to be investigated in the field of women's rights are investigated under sub headings

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injunction order, those who do not have general health insurance and are not covered by the general health insurance or those who cannot benefit from health aids even if they are covered by general health insurance, are deemed to be insured without income assessment.

of "All kinds of violence against women, custom and honor killings, harassment and abuse, gender discrimination".

Acquaintance and introductory meetings were held with non-governmental organizations, research centers of universities, academicians, press members and informing activities were carried out by TOI by attending meetings of non-governmental organizations to reach more women. On the other hand, women's prisons and shelters were visited. In addition, an attempt was made to give coverage to the TOI on the internet sites and printed materials (educational or promotional brochures / posters, etc.) of relevant administrations. These activities aim to ensure increasing number of victims reach the Ombudsman as an individual complaint mechanism, and thereby enable victims to be informed about the support opportunities on the subject as a result of fulfillment of demand subject through Ombudsman.

The National Human Rights and Equality Institution of Turkey was reorganized in 2016 to protect and improve human rights, guarantee the persons' right to equal treatment prevent discrimination in the utilization of legally recognized rights and freedoms, act in accordance with these principles, combat torture and maltreatment effectively and fulfill the duty as national preventive mechanism in this respect. The Institution is obliged to examine human rights violations ex-officio and investigate violations of prohibition of discrimination ex-officio or on application. Any natural or legal person who claims to be harmed by the violation of the prohibition of discrimination may apply to the Institution pursuant to the Law on The National Human Rights Institution of Turkey

Likewise, the complaints received from the MoFSP both through written petition and in the electronic environment are meticulously investigated by the relevant professionals, problems are tried to be solved and the complainants are responded in the same way. If necessary, the applicant is provided counseling and guidance, and if necessary, the applications are forwarded to the relevant public organizations and the result is followed up.

#### **D. Special support services for women victims and their children**

Turkey has made arrangements as necessary to provide the victims suffering from violent acts with expert support. In scope of the efforts to combat violence, the institutional service units make their services available for women who are victims of physical, sexual, psychological or economic violence, without any sort of discrimination whatsoever and based solely upon the statements of the women concerned.

Within the framework of the VPMC Regulation, the first interview form is filled by the staff upon interviewing with the person to receive service, a file is opened upon application and the information of the beneficiary is recorded in the system, the relevant authority is applied by the VPMC to take appropriate preventive measures in line with the reports prepared considering the needs and demands of the beneficiary and medical intervention is provided for victims of violence in case of necessity..

A medical report indicating that victim of violence with injunction order of sheltering does not have contagious and continuous disease, mental illnesses and alcohol and substance

addiction is prepared. For those who are in life threatening situation, a law enforcement official is requested to accompany with them. Victim of sexual violence is accompanied by nurse or health officer in medical intervention process and by a female professional in proceedings in law enforcement unit and court.

Turkey prefers using the Turkish term which literally means guesthouse, as a center where the state hosts the women victims of violence offering them the most comprehensive set of services, for shelters to avoid from describing them as people taking refuge or feeling themselves dependent/ unwanted.

While the number of women's shelter was 48 with the capacity of 1,014 in June 2011, when the MoFSP was established, the number of shelters affiliated to MoFSP reached 101 and its capacity reached 2,657 as of December 2016. In addition, a total of 137 women's shelters with 3.433-person capacity deliver service in our country as 32 women's shelters with 741-person capacity affiliated to local authorities and 4 women's shelters with 45-person capacity affiliated to NGOs.

On the other hand, there are shelters with 7-person capacity in Ankara and 10-person capacity in Kırıkkale for the victims of trafficking in human-beings, affiliated with the Ministry of Interior Directorate General of Migration Management.

Women's shelters are boarding utilities operated on 7/24 basis. In accordance with the applicable privacy and security principles, direct application to the women's shelters is not possible. Women demanding for admission by a woman's shelter may apply to law enforcement agencies, Provincial Directorate of Family and Social Policies, VPMC, health care organizations, judicial authorities or non-governmental organizations. Notifications of third parties who are aware of violence are accepted as denunciations.

Applications for women's shelters are assessed by VPMCs and Provincial Directorate of Family and Social Policies in provinces where no VPMC is in service. The social investigation reports prepared by the social workers in the provincial directorates are based on the interview and the file examinations on the statement of woman without going to the residence of her. In the scope of Law No. 6284, women are admitted to stay at first step stations or women's shelters by violence prevention and monitoring centers on the decision of local authority, family court judge and, in non-delayable cases, law enforcement chief.

Women and children are provided with support in the fields such as security, counseling, temporary financial aid, kindergarten, vocational training course, group works, scholarship for children, social, artistic and sports activities etc. directly or by referring them to relevant institutions as well as professional activities for investigating the situation of women and solving their problems.

First step stations besides VPMCs and women's shelters are the units where the preliminary observations and examination of psycho-social and economic statuses of women who apply to the Provincial Directorates of Family and Social Policies or VPMCs are carried out and where they can stay up to two weeks. Woman victim of violence is admitted to the first step stations

in case that there is no shelter in the province or the capacity of shelter in the province is insufficient or conditions of woman are not suitable for direct settling to shelters. According to the preliminary observations conducted by the professionals in the first step stations, the appropriate social service model and procedures to be carried out for women and their children, if any, are determined, and if necessary, they are admitted to appropriate women's shelter. There are 25 first step stations affiliated to our Ministry in 24 provinces.

Women's Shelters are social service organizations where women previously experienced physical, emotional, sexual, economic and verbal abuse or violence can stay temporarily in a way of protecting them against violence, solving their psycho-social and economic problems, empowering them and meeting the needs of them and their children, if any. The aim of women's shelters is to enable women admitted to organization to continue their lives in line with their wishes once they leave the shelter by means of vocational activities to support them for dealing with trauma they experienced and maintaining healthy relationships within a nonviolent environment.

The aim of women's shelters is to enable women admitted to the organization to continue their lives in line with their wishes once they leave the shelter by means of vocational activities to support them for dealing with trauma they experienced and maintaining healthy relationships within a nonviolent environment.

A total of 128,771 people, 87,024 women and 41,747 children, were provided service by women's shelters between the years 1991-2016.

A total of 19,865 people, 14,123 women and 5,742 children in 2014; a total of 27,761 people 18,562 women and 9,999 children in 2015; a total of 47,568 people, 29,612 women and 17,956 children in 2016 were offered service.

While the number of women's shelter was 48 with the capacity of 1,014 in June 2011, when the MoFSP was established, the number of shelters affiliated to MoFSP reached 101 with the capacity of 2,657 as of December 2016.

The shelters employ adequate number of and qualified social workers and nurses, child trainers, officers, cooks, cleaning and maintenance personnel, security personnel and drivers who graduated from institutions providing training in psychology, child development, teaching and social services among preferably women candidates.

A total of 1,265 employees were employed in 2014, 1,449 in 2015 and 1,876 in 2016 in women's shelters and first step stations affiliated to MoFSP.

The table below shows the data on the persons who received service between by VPMCs between 2014 and 2016:

**Table 2: The number of VPMCs and People Receiving Service**

<b>YEARS</b>	<b>The number of VPMCs</b>	<b>The number of Women</b>	<b>The number of Men</b>	<b>The number of Children</b>	<b>TOTAL</b>
<b>2014</b>	14	17,777	1,938	5,058	24,773
<b>2015</b>	40	20,846	2,436	7,506	30,788
<b>2016</b>	49	37,680	2,46	10,711	50,837
<b>TOTAL</b>	<b>49</b>	<b>76,303</b>	<b>6,820</b>	<b>23,275</b>	<b>106,398</b>

Efforts were made to improve the quality and standards of MoFSP institutional service units in scope of the Project on Combating Domestic Violence. In this context, the professional and administrative forms used in VMPCs and Women's Shelters were standardized and work flows were developed. After completing the pilot scheme, the forms are made user friendly and developed workflow diagrams were made infographic.

According to the Regulation on Opening and Operation of Women's Shelters, women's shelters run their services based on human rights and dignity, responsiveness to gender equality and principle of social state. Principles of respect to individual and helpfulness are taken as basis. A female-oriented approach is essential in the activities done. The woman's statement is essential in the operations to be done at the women's shelters, and she cannot be obliged to show any evidence. Women victims of physical, sexual, psychological or economic violence are delivered free service in women's shelters by only taking into account the woman's declaration without any discrimination. Employees at the shelters shall not impose any restriction on the fundamental rights and freedoms of women decision on behalf of her on the grounds of protection other than the rules set out in this Regulation. It is essential to inform women about proceedings to be conducted for them. Women staying at the shelters are themselves responsible for the decisions they make and for the positive or negative consequences of their decisions. The main objective is to ensure economic, social and psychological empowerment of women. It operates with an understanding of the protection of the right to nonviolent life. Employees cannot propose compromise with the person who is perpetrator or potential perpetrator and mediate between them See the Regulation on Opening and Operation of Women's Shelters for other principles regarding the operation of women's shelters<sup>24</sup>.

Addresses and phone numbers of organizations are kept confidential due to the risk of women's safety and the sensitivity of the issue. For this reason, a sign that introduces the organization is not hung and the groundbreaking and opening ceremony are not organized.

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<sup>24</sup> See Appendix



The names of the women, children and employees are not mentioned in the correspondences to be made, the mutually agreed codes are used if necessary and the information and addresses of women, children and the third parties, if necessary, are kept secret in all official records.

For the security of the women's shelters, photographs of the shelters' external front, employees and beneficiaries are not contained in any document, material, written or visual press and publication made on the internet. Personal information about women who stay at any women's shelters cannot be requested by any public official except in cases where the judicial authority is utilized. No public official can conduct a direct referral to shelters and shelters do not accept visitor.

Public institutions and organizations act in accordance with the rule of confidentiality in the use of information, communication and publishing tools in all official correspondence they carry out with respect to women and children in shelters. They take measures to prevent breaches of confidentiality in their units without delay. Materials such as guns and similar materials used for damaging purposes are not allowed in shelters. Recording with a camera and sound recorder is not allowed in the shelters.

Maximum stay in shelters is six months from the date of acceptance of the woman to the first step stations. The duration of stay can be extended if necessary by evaluating the empowerment process of women. The extension period is determined by the evaluation committee, taking the opinion of a social worker and, if the woman has a child, the opinion of a child development specialist. Those who are ordered sheltering injunction by a local authority or family court judge benefit from services of the shelters for the period specified in the decision.

No discrimination is made regarding the race, language, religion, gender, marital status, disability, nationality, status and similar conditions of the individuals in execution of the services and activities covered by the Law No. 6284. There is no discrimination or criterion for the delivery of service within the framework of the Regulation on Opening and Operation of Women's Shelters, except being a victim of violence or under risk of violence. See Chapter II - Integrated Policies and Data Collection for financing information.

In scope of the support services for victims of sexual violence, the institutional service units make their services available for women who are victims of physical, sexual, psychological or economic violence, without any sort of discrimination whatsoever and based solely upon the statements of the women concerned.

Victims of sexual violence can refer to VPMCs which are currently available in service in 49 cities nationwide and to be opened in each city by the end of 2017. VPMCs hold the first interview with the victims of sexual violence commissioning staff members trained on trauma, apply to the relevant authorities for issue of injunction orders suitable to their conditions in line with the report drafted taking their needs and requests into consideration and provide medical and judicial examination and trauma care for the victims of violence where necessary..

Within this framework, the victims in need of emergency medical care, judicial examination and trauma support are provided with access to the relevant health units. The victims are accompanied by either nurses or health officers during the medical attention process; and by female professionals during the procedures at the law enforcement or courthouses. In scope of the Law Nr.6284, victims of sexual violence are referred by VPMCs to the first-step stations or women's shelters, in case the need for accommodation arises. In addition, shelters and VPMCs provide psychosocial support and guidance services for women victims of violence. Furthermore, the victims of sexual violence who refer to the Family Health Centers, Community Health Centers and hospitals have access to the services of diagnosis, medical care, risk assessment and psychological support.

Efforts have been underway to institutionalize the rape crisis centers or sexual violence referral centers in Turkey in pursuant to Article 25 of the Istanbul Convention.

Accordingly, the MoFSP and the Ministry of Health signed "The Cooperation Protocol on Combating Violence against Women" on 8<sup>th</sup> March 2015 and the protocol included an article which read "in pursuant to the Istanbul Convention; increase the number and capacity of Crisis Response Units, Medical Social Service Units and other related units to prevent secondary victimization and loss of evidence in judicial cases concerning violence against women, create special service models for victims of sexual violence, improve information and sensitiveness of the relevant units about the issue". Protocol activities have been continued with participation of the relevant stakeholders.

Furthermore, "The National Action Plan on Combating Violence against Women (2016-2020)", the third of which has been effective since 2016, embodies a measure that follows "Special service models are going to be developed and implemented for the victims of sexual violence as per the Istanbul Convention".

Women Counseling Center, one of the most important mechanisms of combat violence against women based on gender, is counseling, informing and referring unit where women can apply through calls, direct applications or internet when they experience any kind of violence. It can provide free support for the issues they need in combating violence against women and children or refer them to relevant organizations.

There are nearly 60 women counseling centers in Turkey. Women Counseling Centers, which are affiliated to the municipalities and women's organizations, maintain their activities as important specialist mechanisms of combating violence against women. NGOs such as KAMER in Gaziantep, Women's Solidarity Foundation and Purple Roof are examples of women counseling centers. Nilüfer Municipality, Kecioren Municipality, İzmir Metropolitan Municipality, Yenimahalle Municipality and Ankara Metropolitan Municipality are among municipalities containing a women counseling center.

There are also Women or Family Centers, where municipalities provide support to women and conduct various empowerment activities for them. In these centers, various services are provided for empowerment of women and awareness raising activities are carried out to develop an understanding far from violence against women, men and children. The

establishment of specialized sub-units on violence or the empowerment of the already established units for violence in these organizations where women victims can also apply and these centers' conducting their activities with the support and coordination of Violence Prevention and Monitoring Centers provide important contributions to meet the needs in the field.

### **E. Hotlines**

The ALO183 Social Support Hotline is operated 24/7 within the MoFSP, providing support free of charge and in Turkish, Arabic and Kurdish. The "ALO183 Hotline" operating under the roof of MoFSP serves as a psychological, legal and economic counseling hotline for women and children who are victims of violence or under risk of violence and who need help and inform these people about their rights and institutions to be applied. In addition, denunciations are taken to prevent negligence, abuse and violence or custom and honor killings and the emergency intervention team responsible for the incident and / or the law enforcement officials are informed to provide intervention taking into consideration the case.

For hearing-impaired citizens who cannot make phone calls with the call center, it is possible to have a video call on a separate line. In addition, citizens with hearing and speech impairment can send free SMS, and the call center personnel provide the necessary guidance and referral services by calling back the citizen.

Renewal training is provided throughout the year, and training is provided by field coordination and legislative experts in coordination with team leaders, in case that there are personnel who are replaced or lack of legislation knowledge. They are given feedback on their work at certain times and may be discharged from the work according to their performance.

Moreover, women exposed to violence and witnesses of violence can report to law enforcement officers on hotlines of 155 (police) and 156 (gendarmerie) on 7/24 basis. The "ALO 112" Emergency Call Center, which is an emergency hotline which can be called by those who suffered from any injuring or health problem due to domestic violence, is also the preliminary hotline to respond to calls for help against violence from the "ALO 155" police hotline and "ALO156" gendarmerie hotline in many cities with the help of recent restructuring process. In addition, efforts are maintaining to create a "Single Emergency Call Number" in Turkey and it has been already expanded to 25 provinces. The hotlines obtain only those pieces of information required by the relevant people in scope of the need-to-know principle, observe the rules of confidentiality and the staff members are trained accordingly.

In addition, 157 Hotline for Victims of Human Trafficking delivers services in the Russian, Romanian, English and Turkish languages, which operates on 24/7 basis within the Ministry of Interior and is free of charge. Staff trained on the subject of human trafficking delivers service on this hotline.

In scope of the Project on Combating Domestic Violence, interviews were conducted with staff of Social Support Hotline 183, 112 (emergency hotline), 157 (gendarmerie) and 155 (police). In line with the interviews, an in-service report was prepared with suggestions on

improving the service delivery by considering the service capacities of existing hotlines that deliver service in the field of combating violence against women in our country. In the scope of the report, efforts are made to empower the service delivery capacity of ALO 183 Social Support Hotline in the field of combating violence against women.

No Domestic Violence Emergency Hotline activated in 2007 in scope of No Domestic Violence Campaign launched by a newspaper in 2004 was started to be operated by Federation of Women's Associations in January 2015. The line has been operated by volunteers from 9 am to 6 pm in the federation from December 2015. It provides counseling and support services for victims of violence, and also provides referral to the relevant units such as law enforcement units, VPMCs, bars. In addition, see legal support for the Corn Poppy Project.

#### **F. Counseling service for child witnesses**

The Law No. 6284 describes the term of victim of violence widely and accepts those who witness or are likely to witness the violence, namely children, as victim of violence. Children who witness or are likely to witness the violence can also benefit from the services defined in the law. Children who witness or are likely to witness the violence shall benefit from protective services such as sheltering, temporary financial aid, psychological and social support and crèche support. In addition, if there is a previous decision on personal contact with the children mentioned in the 5th article of the law, injunction orders of contact with a companion and restriction or revoking it completely can be made by the judge. In addition, together with the measures stated in this Law, the judge is authorized to decide on custody, trustee alimony and personal contact in accordance with the protective and supportive measures included in the Child Protection Law and the provisions of the Turkish Civil Code.

According to the Regulation on Opening and Operation of Women's Shelters, there are crèches, education and rehabilitation rooms and play, activity and study rooms for children in the women's shelters. In the framework of the Regulation, the child who benefits from the shelter services with his/her mother is registered to the closest school by abiding to the principle of privacy. If there is no provision in contrast, child's settlement address is registered as the address of VPMC. The pre-school development and education of children are monitored by the shelter in cooperation with the school administration. In the same Regulation, it is clearly stated that the child development specialists shall be employed in the shelters.

Besides, an intervention plan is prepared and followed-up for child with participation of the mother under the coordination of all professionals in women's shelters. The intervention plan in subject is designed to include every title by evaluating the child's education, health, psycho-social, legal status. In addition, there is also the principle of observing the child's best interests and well-being among operating principles of VPMCs.

#### **G. Reporting**

According to Article 7 of the Law No. 6284, violence or a danger of violence can be reported by everyone to public authorities. Public personnel who receive the denunciation are obliged to fulfill their duties under this Law without delay and inform the authorities about the other measures to be implemented.

Likewise, according to the provisions of 4th Article of the Implementing Regulation on the Law No. 6284, public institutions and professional organizations acting as public institutions that are aware of the violence or danger of violence are obliged to immediately inform the relevant authorities.

Turkish legislation embodies penal provisions stipulating an obligation of notification for civil servants in case of violence against women and domestic violence acts.

In this context, non-execution of liability of support and notification to victim is bound to sanctions under the 98th Article of Turkish Criminal Code. 278th Article of the Turkish Criminal Code regulates the offense of not reporting a crime and its criminal provisions are determined. The failure of the public officer to report the crime is discussed within the framework of the provisions of 279th Article of the Turkish Criminal Code. According to the provisions of 280th Article of the same code entitled "crime's not being reported by members of the health profession", health personnel are obliged to report a crime.

As it is clear from the texts presented in the Appendix, the law obliges public personnel to report a crime and to mobilize investigating authorities. Public personnel who do not report to the relevant authorities are imposed punishment in the framework of Articles mentioned above despite the fact that they encounter any sign of act of violence against women.

## **V. Substantive Law**

### **A. Legislative framework**

MoFSP held a meeting with participation of all the relevant parties following entry into force of the Convention on 20<sup>th</sup> August 2014. A Table of Obligation was prepared as a result of the meeting and delivered to relative agencies and institutions. Upon entry into force of the convention, a consultation meeting was held with Chair of the GNAoT Committee on Equal Opportunities for Men and Women. It was envisaged that legislation studies would be conducted in the National Action Plan on Combating Violence against Women (2016-2020) in accordance with Istanbul Convention.

The Law No. 6284<sup>25</sup> was prepared based on the Istanbul Convention and entered into force on 20<sup>th</sup> March 2012. "The Impact Analysis Survey on Implementation of Law No.6248" was conducted in order to analyze the effectiveness of the Law No.6284. The target of the survey was to find out how the Law reflected on women victims of violence, perpetrators and children and relatives of these people and to evaluate whether or not it was effective for preventing domestic violence and violence against women and protection of victims of violence. "Summary Report and Final Report" of the survey was concluded in October 2015.

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<sup>25</sup> See Appendix

For more effective fulfillment of the practices on combating violence against women, the Implementing Regulation of the Law No. 6284 entered into force on 18<sup>th</sup> January 2013, the Regulation on Opening and Operation of Women's Shelters entered into force on 5<sup>th</sup> January 2013, the Regulation on The Violence Prevention and Monitoring Centers entered into force on 17<sup>th</sup> March 2016<sup>26</sup>.

31 laws determined within the scope of the UN Joint Program on Fostering an Enabling Environment for Gender Equality in Turkey have been reviewed with perspective of gender equality with cooperation of the UN, the GNAoT Committee on Equal Opportunities for Men and Women (KEFEK) and MoFSP-DGSW. Within scope of the Project, review on the laws has been shared with relevant public agencies and institutions at the meeting held on 2<sup>nd</sup> February 2016.

Besides the Law Nr.6284 that embodies the provisions of the Convention and is the special legislation on violence against women in itself, general provisions contributing to the efforts to combat violence against women are available in many laws in Turkey. There are regulations on preventing violence against women in various articles of the Turkish Criminal Code No. 5237. In addition, for the same purpose, protective provisions are included directly or indirectly in laws such as Turkish Civil Law No.4721 and the Labor Act No.4857\_(See the Appendix for the relevant articles in Turkish Criminal Code, Turkish Civil Law and the Labor Act).

The draft law on reassessing sex crimes which are regulated by the Criminal Code and extending the scope of these crimes and increasing the penalties was enacted in 2014. Penalties envisaged for crime of sexual assault have been aggravated and qualified form of crime was revised and its scope was extended by the Law.

## **B. Implementation of laws**

See the information on trainings for the professionals working in implementation of the law.  
Chapter III- Prevention

## **C. Remedies**

Turkey has realized legislative arrangements introducing the necessary legal and other measures to protect victims from perpetrators. When the woman victim makes an application within the scope of Law No. 628, one of the preventive injunction orders in 5<sup>th</sup> Article of the Law shall be ruled for the perpetrator. In case that the perpetrator of violence for whom an injunction order is taken as per the provisions of this Law acts contrary to the requirements of this decision, he shall be subject to the coercive imprisonment from 3 to 10 days by the judicial decision depending on the nature and severity of the violated measure even if the act constitutes another crime. In each recurring action contrary to the requirements of the

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<sup>26</sup> See Appendix

injunction order, the period of the coercive imprisonment shall be from fifteen to thirty days. (See Article 13 of the Law No. 6284).

In case of women victim's subjection to physical violence by their antecedents or descendent, husbands and brothers, legal action shall be taken and investigation shall be opened against the perpetrator without any complaint pursuant to Article 86 of the Turkish Criminal Code.

If any person threatens women victims by saying that he intends to violate corporal or sexual immunity of her or one of her relatives, an investigation shall be started on him ex officio without seeking for any complaint. If threat is against assets of a person, it is bound to complaint for investigation and prosecution.

In addition various criminal sanctions shall be imposed for the crimes of violence under the Turkish Criminal Code and related articles are listed in the appendix.

The victims have recourse to legal remedies about the public officials who fail to comply with the legal provisions. Unless a public official conducts the necessary preventive and protective injunction orders within the scope of his/her duty, this act constitutes the crime of misconduct in office as per the Turkish Penal Code. Misconduct in office is a crime which is subject to prosecution and under the scope of jurisdiction as different from disciplinary punishment due to criminal acts and activities of a public official. Misconduct in office defined in Article 257 of Turkish Criminal Code requires a public officer to commit the offense of misconduct in office. Misconduct in office may be committed both through a negligent and executive act. If a public official performs an act contrary to his duties or does not fulfill the requirement of his duty, this act shall constitute the offense of misconduct in office. Acting contrary to the requirements of the duty is not sufficient alone to constitute an offense; there should be a secondary factor for the offense. The secondary factor may be victimization of a person.

In case of death or injury of the victims as a result of showing negligence by law-enforcement officers and other public officers in implementation of the injunction orders under the Law No. 6284, they shall be primarily kept responsible for the offense of "manslaughter through negligent act" defined in Article 83 and offense of "malicious wounding by negligence" defined in Article 88 of the Civil Servants Law. If the acts of the public officers are not included in this definition of offense, they shall be kept responsible for the offense of misconduct in office. In addition, if the offenses of manslaughter by negligence and malicious wounding by negligence are in question, the offense of misconduct in office shall not.

In addition, if the victim of domestic violence has experienced victimization within the scope of service she needs (protection/prevention, attitudes and behaviors of the officials etc.), they can apply to Ombudsman Institution free of charge. In case of a failure on part of civil servants to fulfilling their duties, complaints may be filed at their institution to start administrative investigation about them.

See Appendix for information on cases within the scope of Law No. 6284.

## **D. Compensation**

Women victims can file a claim for material/immaterial compensation against the perpetrators pursuant to provisions of wrong acts in Article 49 of the Turkish Law of Obligations<sup>27</sup>. The judge decides to the scope and mode of payment of the compensation by taking into consideration the requirement of the situation and weight of the defect. In case of physical injury on woman victim, treatment costs, loss of earnings, losses arising from loss or decrease of workforce and losses arising from breakdown of economic future shall be included in the scope of compensation. Loss of support and bodily harms shall be calculated pursuant to the principles of liability law and provisions of Turkish Law of Obligations.

Women victims of violence can file a claim for material/immaterial compensation against the administration in case that a public service is not provided, not provided properly or provided with delay. The related compensation is regulated as full remedy action in the Code of Administrative Procedure. The victim is not required to have serious bodily injury or harm to health in order to sue full remedy action. Violation of individual rights is sufficient.

## **E. Right to custody and visit**

General provisions on custody of children are regulated in the Civil Code. Minor is under custody of his/her father and mother pursuant to Article 335 of the Civil Code.

The custody shall not be taken from the parents unless there is a legal reason. Parents shall use the custody together as long as marriage lasts. If the common life is terminated or separation is realized, the judge may entrust the custody to one of the spouses. If parents are not married, custody belongs to the mother. When judge decides divorce or separation cases, the judge shall regulate the rights and personal connection of parents with their child after listening to the parents, and listen to the opinion of the guardian if the child is under guardianship. When regulating personal relationship between the child and the spouse to whom the custody has not been entrusted, the interests of child in terms of health, education and morals shall be taken as basis. This spouse is under obligation to share health and education costs of the child as much as he/she can.

Article 5 of the Law No. 6284 provides for preventive measures for this purpose, as well. Within this scope, the judge may apply to the precautions to move from the family domicile or the vicinity immediately and to allocate the shared domicile to the protected person; not to approach to the protected persons and their residences, schools and workplaces; if there is a previous decision to allow personal connection, to have personal connection with children together with a company and to restrict or revoke it completely; if deemed necessary, not to approach the relatives and children of the protected person even if they haven't been subject to violence without prejudice to the decisions that allow personal connection with children. Furthermore, in case of a conflict in establishing personal contact, victim women and children are protected from further damage if they are brought accompanied by an enforcement officer, police officer and social services specialist.

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<sup>27</sup> See the Appendix for Relevant Articles



## **F. /G. / H. /I. Criminal acts**

Domestic violence, violence against women and violence are defined in the second article 2 of the Law No. 6284. The law covers all forms of violence.

Although psychological violence is not described as a distinct crime in our national law, it is placed under sanction and amended as crime of threatening in Article 106 of the Turkish Criminal Code and crime of blackmail in Article 107, using force in Article 108, deteriorating peace and order in Article 123 of the same Law.

Stalking is defined as crime in Articles 123 under the heading "deteriorating peace and order of individuals" of the Turkish Criminal Code.

Physical violence has been placed under sanction as a crime in Article 81 under the heading " Voluntary manslaughter ", Article 86 under the heading " Felonious injury ", Article 87 under the heading " Consequential Heavy Injury ", Article 96 under the heading " Torment ", Article 108 under the heading " Force " and Article 232 under the heading " Cruelty "of Turkish Criminal Code.

Sexual violence is envisaged as a crime in Article 102 under the heading "Sexual assault", in Article 103 under the heading "Sexual abuse of children/sexual molestation", in Article 104 under the heading "Sexual intercourse with persons not attained the lawful age", in Article 105 under the heading "Sexual harassment" and in Article 109 under the heading "deprivation a person of freedom" of Turkish Criminal Code.

Sexual violence against spouses constitutes a crime in Turkish legal system. Commission of crime against the spouse is bound to complaint of the spouse in the 2<sup>nd</sup> paragraph, Article 102 of Turkish Criminal Code. In case of filing of complaint by the spouse, the perpetrator may be punished with imprisonment pursuant to Article. However, because of that there is no provision with regard to former spouse or partner; the perpetrator shall be punished ex officio pursuant to general provision of Article.

The crime of sexual abuse is defined in the 1st paragraph, Article 103 of the Turkish Criminal Code. With the amendment in Article, all kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act, abuse of other children sexually by force, threat or fraud are accepted as sexual abuse and the perpetrator shall be sentenced to imprisonment from eight years to fifteen years. According to our national law, children who haven't completed the age of fifteen have not legal capacity to consent to sexual acts. The consent of the children who haven't completed the age of fifteen is not valid. Crime of sexual intercourse with minor is regulated in Article 104 of Turkish Criminal Code. Any person who is in sexual intercourse with a child who completed the age of fifteen without using force, threat and fraud, is sentenced to imprisonment from two to five years upon filing of a complaint. Sexual intercourse with a minor age is an offense bound to complaint and filing of complaint is required for criminal action. The obligation stated in Article 40 of the

Convention is fulfilled through the regulation of crimes in Articles of 102, 103, 104 and 105 in the section of “Offenses against Sexual Immunity” of Turkish Criminal Code.

The provision of annulment of the marriage due to treatment is regulated in Article 151 of the Turkish Civil Code. Forced marriage is not regulated as a distinct offense in the Turkish Criminal Code. However, sexual acts against women victims as a result of forced marriage are considered within the scope of sexual violence and may correspond to the offenses regulated in Articles 192, 103 and 105 of the Law. In addition, even if there is no sexual act, the crime of restriction of freedom of a person may arise with respect to the concrete case pursuant to Article 109 of the same law.

Although there is not a separate crime of female genital mutilation in the Turkish Criminal Code, crime of felonious injury in Article 86 of the Criminal Code and “aggravated crime of malicious injury due to its result” in Article 87 cover the provisions on female genital mutilation in Article 38 of the Convention. The provision “A person intentionally giving harm or pain to another person or executes an act which may lead to deterioration of health or mental power of others, is sentenced to imprisonment from one year to three years” in Article 86 includes the provisions in Article 38 of the Convention. In addition, if the act of felonious injury results with continuous weakening or loss of any one of the senses or organs and loss of reproductive potential of the victim, then the punishment determined shall be increased on fold by Article 87.

Forcing a person to abortion is regulated as a crime in Article 99 under the heading "Causing Abortion" in Turkish Criminal Code. Also in Article 101 under the heading “Sterilization”, sterilization without consent of the person is defined as a crime.

Aid and abet, participation in, encouragement of a person to commit crime are regulated in the section of general provisions of the Turkish Criminal Code and these regulations are applicable to all crimes. Also, a person who uses another person in commission of a crime is also kept responsible as the perpetrator. The punishment for the persons who use a person(s) lacking culpability shall be increased from one-third up to one half. (Article 37). To give an example, in the offense of voluntary manslaughter of a person lacking culpability (children under the age of 12, persons of unsound mind), the person who has killed due to honor shall be responsible as if he/she was the perpetrator. Furthermore, the punishment for the perpetrator shall be increased because the person he/she used in commission of crime was lack of culpability and the crime was committed due to honor. A person soliciting another person to commit a crime shall be punished according to the degree of crime committed. In case of solicitation to commit offense by using the power originating from lineage (antecedent/descendent) relation, the punishment of the soliciting person shall be increased from one-third to one half. The lineage relation is not sought for increasing the punishment pursuant to the provisions of this subsection in case of solicitation of children to commit a crime (Article 38).

Attempts to offenses are regulated in the section of general provisions of Turkish Criminal Code and applicable to all offenses. The crime must be suitable for attempt for an attempt to be accepted valid. Also, the crime is required to be committed intentionally (Article 35).

## **J. Criminal Proceedings**

There is a basic punishment for each crime in the Turkish Criminal Code. The legislator imposes aggravating circumstances for some crimes as well as mitigating circumstances for some crimes. Aggravating/mitigating circumstances are defined privately within each crime and it is stated in Article under which circumstances the punishment shall be mitigated or aggravated. In addition, excusatory and mitigating causes are regulated in Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 in the chapter of general provisions of the Turkish Criminal Code. Also, matters of discretionary mitigation are regulated to individualize the crime in Article 62.

Unjust provocation is regulated in Article 29 of the Turkish Penal Code. To abate the punishment because of unjust provocation, there must be factors such as an act causing provocation, the given act including unjust element, being in anger by the unjust act and committing the crime with effect of anger or asperity. For unjust provocation abatement, it is not necessary to commit an unjust act towards the perpetrator. If a father, whose child has been subject to an unjust act, commits a crime under the influence of this act, he may benefit from unjust provocation abatement. The act subject to provocation must be unjust and unlawful. These crimes are not required to be crimes defined under the Turkish Criminal Code or any other law. There must be a specific rate between the crime committed and provocative act. If the crime committed is clearly heavier than provocative act, he cannot benefit from the abatement.

Unjust provocation abatement is out of question for custom killing and blood feud murder; on the contrary custom killing (Article 82/1-k) and blood feud (Article 82/1-j) are regulated as qualified form and the perpetrator shall be sentenced to heavy life imprisonment.

It is against Article of unjust provocation included in the Law to recognize mitigating causes such as the factors regarding custom, culture, religion, tradition or so-called honor as reasons for the crime. It is not possible to implement customs and traditions in criminal proceedings because of the principle of legality in the Turkish Criminal Code.

## **K. Relationship between victim and perpetrator in definition of crime**

The relationship and connection between victim and perpetrator does not have an impact resulting in impunity in terms of crimes within the scope of the Convention. Special relationship between perpetrator and victim is regarded as a criterion in ex officio investigation or admission as qualified form requiring heavy sentence for some crimes in Turkish Criminal Code. For instance, the simple form of felonious injury which can be healed by a simple medical treatment (Article 86) is bound to complaint. In case of commission of the same crime against any one of the antecedents or descendants, or spouse or brother/sister, investigation and prosecution are launched ex officio without seeking for any complaint. Also commission of felonious homicide against any one of the antecedents or descendent, or spouse or brother/sister is admitted as qualified form in Article 82 of the law and the punishment for the simple form of the crime shall be increased. Similar regulations are

applied for the crimes such as torture, torment, felonious injury, sexual harassment, deprivation of liberty.

#### **L. Sanctions apart from criminal sanctions and other measures against the perpetrator**

For detailed information on treatments to be provided for those convicted of crimes against sexual immunity, practice of probation for perpetrators in our country and other liabilities, see the Chapter III-Prevention/ E-F Programs for perpetrators.

#### **M. Aggravating circumstances**

Aggravating circumstances contained in the convention are covered by the Turkish legislation. Circumstances such as commission of criminal offenses against spouses, more than once, against lineal kinsmen, children or people incapable of physical self-defense; women being aware of their pregnancy, as part of public duty and with motives of custom aggravate the penalty. The aggravating circumstances are set forth in Articles 43, 58, 82/1-d, 82/1-e, 86/3-a, 102/2, 103, 104/1, 109/1-e and 119 of the Turkish Penal Code.

#### **N. Prohibition of mandatory alternative dispute resolution processes**

Mandatory mediation is not accepted in civil lawsuits by in Turkish national law. In criminal law, mediation provisions are not applicable to the crimes against sexual immunity, felonious homicide, and felonious injury against spouse or a person who cannot defend himself/herself due to corporal or spiritual disability.

With the amendment in second paragraph of Article 1 on arbitrary mediation in private law of Law No.6325 on Mediation in Civil Disputes, which reads “This Law shall be applied in private law disputes, arising solely from the affairs or actions on which the parties may freely have a disposal, including those possessing the element of alienage. However, disputes containing domestic violence are not suitable of mediation.” it is clearly stipulated that mediation shall not be applied in disputes on domestic violence. As the issue is outside the scope of mediation if violence is in question, the alternative remedies as included in the Convention are prohibited.

#### **O. Data**

Cases of violence were previously considered under the category of general cases of injury and death in Turkey. “Domestic Violence Enrollment Forms” have been implemented by the Ministry of Interior Directorate General of Turkish National Police and General Command of Gendarmerie since 2009. Within this scope, applications, data on women who have died or injured due to domestic violence have been recorded inclusively by Ministry of Interior Directorate General of Turkish National Police and General Command of Gendarmerie since 2009. As the numbers are recorded separately in Turkey, they have given rise to awareness and expressions that the cases of violence against women have recently increased by 1400

percent. Yet, the cases not identified or known before have now been identified and the fight against violence has been far more efficient.

The number of women who made application as victims of violence to units of Directorate General of Turkish National Police in 2016 was 121.703.

The number of acts of violence committed against women in 2014 was 24.306 in the zone of responsibility of the Gendarmerie and; 15.015 incidents were direct applications of the victims to the Gendarmerie, 6.526 cases were reported as a result of notifications to 156 gendarmerie emergency hotline.

The number of acts of violence against women in 2015 was 24.099 and 14.836 were direct application of the victims to the Gendarmerie, 6.480 incidents were reported as a result of notifications to 156 gendarmerie emergency hotline.

**Table 3-** Injunction orders between 2014- 2016 within the scope of Law No. 6284 <sup>28</sup>

	Preventive Injunction Orders	Protection Injunction Orders
2014	401.974	46.907
2015	415.829	61.268
2016	459.493	54.269

**P. Other measures**

Under the law No. 6284, important steps have been taken in the field of use of technical tools and methods for the protected person, perpetrator and potential perpetrators, monitoring of them, setting procedures and principles. Following entry into force of the Law No.6284, “the Pilot Scheme on Electronic Support System”, in which panic buttons were used and which was decided to last for three years, have been carried out in the provinces of Adana and Bursa in cooperation of MoFSP and Ministry of Interior Directorate General of Turkish National Police and private sector. As a result of Technical Support Project for Evaluation and Extending Nationwide of the Pilot Scheme on Electronic Support System, it is stated that the system by which perpetrator and the victim are monitored together will provide more efficient protection by the MoFSP. For more efficient combat violence against women, a cooperation protocol was signed among MoFSP, Ministry of Justice and Ministry of Interior in 2015. With the protocol, pilot scheme on electronic bracelets with which the perpetrator and victim of violence are monitored together was launched. Electronic monitoring system infrastructure under the structure of Ministry of Justice and the system in which electronic bracelets are used and pilot scheme on electronic bracelets with which the perpetrator and victim of violence are monitored together are conducted in the provinces of Ankara and İzmir.

<sup>28</sup> For detailed data, see the Appendix

## **VI. Protection Measures through Investigation, Prosecution and Law of Procedure**

### **A. Intervention of law-enforcement officers**

Judicial cases informed by the law enforcement officers shall be notified immediately to the relevant public prosecutor. Primary duty of the judicial police is to prevent the commission of crime he/she confront. Accordingly, law enforcement officers who go to victim's venue after any application, prevent continuation of act of violence at first, separates the parties, talk to both parties individually about detection of crime and enlightenment of the incident. The interview is made in an environment where the victim or perpetrator will not be disturbed and their privacy and individual rights will be respected by others. He/she hears the two parties of the incident and investigates whether there were persons or not, whether there is a court decision/order on custody and personal relationship with children (right to contact with father-mother) if they are separated and they have children, whether the parties have committed any crime before, whether there is any other victims (parent, child etc.) and writes the findings to minute. If it is found out at that interview that the parties have weapons, a search warrant is demanded with the minutes if the weapon is unregistered; or an immediate order is demanded from the public prosecution office to make an order for the parties to hand over the weapon to law enforcement if the weapon is registered.

The victim is sent to a health care facility for examination and treatment in company with law enforcement officers. Registration Form for Domestic Violence and Violence against Women is filled and a risk assessment is performed. Law enforcement informs the ŞÖNİM on each incident through fastest means without any delay.

Suspected procedures are carried out in line with the relevant articles of the Turkish Criminal Code and Law No. 6284. In non-delayable cases, the preventive and protective measures taken under the Law No. 6284 are submitted to judge or administrative chief to be ratified according to the nature of the measure. Any evidence or document is not required and any charge for fee and procedures are taken for the applications made under the law.

Law enforcement forces may take injunction order pursuant to the provisions in Article 3/1-a and ç clauses under the Law No.6284. The cited provisions require the law enforcement officials to accommodate the victim women and their children, if necessary, properly where they are or elsewhere. Similarly, in case of a life risk, they are authorized to rule protective injunction orders upon request of the related people or ex officio. The law enforcement officials are provided with special power in cases of domestic violence and the orders ruled urgently need subsequent approval of civilian authorities in 48 hours.

### **B. Detection of violence risk**

When the victim applies to health units and law enforcement forces, Registration Form for Domestic Violence and Violence against Women is filled and a risk assessment is made. As a result of the risk assessment, in cases within the scope of 'high risk' group, preventive and protective measures are taken immediately even if the victim does not such a demand.

According to the provisions of the 3rd article of the Law No. 6284 titled “The protection orders to be issued by the administrative chiefs” within the framework of situation and risk assessment for the persons who are under the protection within this Law, an appropriate shelter may be provided for the women victims and their children if necessary at their current residence or another place and it may be ruled that “In case of a life-threatening situation, putting the victim under temporary protection on request of the victim or ex officio” . In non-delayable cases, an order for putting the victim under temporary protection may be issued by the relevant administrative chiefs.

Law enforcement unit at current residence of the person about whom protective injunction order has been issued, or at the place the order shall be implemented, is responsible and authorised for implementing the protective injunction order on putting the protected person under temporary protection.

Pursuant to the provisions of 10th article of Implementing Regulation on Law No.6284 titled “Putting under temporary protection”, the protected person shall inform the responsible and authorised law enforcement unit about where to go immediately in case of emergency and within 24 hours in other circumstances. The law enforcement unit where the protected person will go shall be informed immediately and the injunction order shall be maintained.

How the protected person will be taken under protection considering the probable threat and risk against the victim by means of assessing the situation of the perpetrator and the victim, and the physical protection measures in the Regulation on Basis and Procedures of Witness Protection Program to be Taken by the Office of Chief Public Prosecutor and Courts are determined by the judge or administrative chief and law enforcement office in non-delayable cases.

The protected person shall be informed by the law enforcement officer about the scope and content of the temporary protection order, telephone numbers to call in case of violence or risk of violence, responsibilities of the law enforcement officers, in which cases to inform them, the responsible law enforcement unit for temporary protection service and similar matters, and these shall be written to minutes and issued by the law enforcement officer.

Among the preventive orders to be issued by the judge” stated in Article 5 of the Law No. 6284, there are provisions “to deliver the guns that are legally allowed to be carried or owned to the law enforcement officers” and “to deliver the gun at his debit due to his official duty to his organization even though he is executing a public duty which requires carrying a gun” The judge may rule on this protection order as a result of risk and situation assessment.

In the event that the province where women stay at any women’s shelter is learned by their relatives, a social study report is prepared by the social service of the institution and sent to GDSW, in case of a life risk. Women concerned are transferred immediately to another suitable women’s shelter in a different city.

For activities to use technical tools and methods for the perpetrators and probable perpetrators and the protected persons under the Law No. 6284, see Chapter V- Substantive Law/ P-Other Measures.

### **C. Urgent suspension orders**

The civilian authorities, and law enforcement authorities in case of emergency and risk, may rule urgent suspension orders.

From preventive orders to be issued by the judge against perpetrators of violence under the Law No. 6284, may be taken by the relevant law enforcement chiefs in non-delayable cases. The preventive order issues by the law enforcement chief in non-delayable cases is applicable for 24 hours and law enforcement officer shall submit the document for the approval of the judge within one working day following the decision date at the latest.

It is decided for the victims of violence to provide an appropriate shelter for the victims and their children if necessary at their current residence or another place and in case of a life-threatening situation, to put the victim under temporary protection on request of the victim or ex officio. The person protected under the measure of “Taking under temporary protection” shall inform the responsible and authorised law enforcement unit about where to go immediately in case of emergency and within 24 hours in other circumstances. The law enforcement unit where the protected person will go shall be informed immediately and the injunction order is maintained.

The person for whom a decision to provide shelter has been made shall be settled at the places owned by the MFSP or under the supervision of the MFSP. If there are not enough shelters, the protected persons can be provided a temporary accommodation at the places such as social facilities, dormitories or similar places owned by the public institutions and agencies on request of administrative chief, or in urgent situations, of the law enforcement officials or MFSP.

The family court judges may rule for the perpetrator to be suspended from the shared residence where he stays with the victim, and allocate the house for the protected person. The orders are ruled on short notice. As the expression “without delay” is included in Article 8/3 of the Law, a separate entry is made and due to the fact that it is typically not required to present documents and evidence and no trial and notification take place, orders are ruled in the day following the petition.

General provisions typically apply to selection of the courts where a specific action is to be brought. The Law Nr.6284 introduces a special exemption to this practice. In pursuant to the Law, injunction order may be requested from the judges which are accessible most easily and, on specific conditions, from the civilian and law enforcement authorities.

This protection order may be issued for maximum six months for the first time. However, in cases that the violence or risk of committing violence continues, changing the duration or form of the measures, revoking these measures or continuing them in the same way might be



decided ex officio, at the request of the protected person or by the officials of the Ministry or law enforcement.

Administrative chief or judge may rule for delivery of personal belongings or documents of the perpetrator, the protected person or their relatives might be provided for the concerned on request through law enforcement officials. The belongings and documents to be delivered shall be indicated in the order.

Implementation of this order shall not prevent the perpetrator from paying the rent, electricity, water, telephone and natural gas and similar bills of the house he has been suspended from. Judge may also rule the perpetrator not to annul the rental contract, not to request removal of the family residence allocation and other similar injunctions to continue with his obligations, during the term of protection.

Chief public prosecutor's office shall send immediately the suspension order to responsible and authorised law enforcement and the implementation of the order shall be monitored through the law enforcement. The control shall be performed in the ways of “Visiting the current residence of the protected person at least once a week”, communicating with her relatives including secondary ones”, “asking for information from her neighbors”, “getting information from the mukhtar” and “making investigation around her residence”. In case of identifying acts contrary to the injunction orders, minutes on this issue shall be taken and sent to Chief Public Prosecutor's.

Other necessary injunction orders may be issued together with the suspension order. The judge may rule on “Change of workplace”, “determining a separate residence if the person is married”, “Changing ID and other data and documents issues in case of a life-threatening situation for the protected person and the other measures that are taken to prevent this life-threatening situation are not sufficient, and based on the informed consent of the concerned, in accordance with the provisions of the Witness Protection Act.”

The protected person shall be informed and written to minutes by the law enforcement official about the scope and content of the temporary protection order, telephone numbers to call in case of violence or risk of violence, responsibilities of the law enforcement officers, in which cases to inform them, the responsible law enforcement unit for temporary protection service and similar matters.

In case of identifying acts contrary to the injunction orders, minutes on this issue shall be taken and sent to Chief Public Prosecutor. If the perpetrator violates the requirements of the protection orders issued in accordance with the provisions of this Law, the perpetrator shall be subject to three to ten days of forced imprisonment by the decision of the judge according to the nature of the violated protection order or the degree of violation even if his act constitutes a crime. In case of each repeated violation of the requirements of the protection order, the duration of the forced imprisonment shall be extended from fifteen days to thirty days according to the nature of the violated protection order and the degree of violation. However, the total duration of forced imprisonment shall not exceed six months. The relevant provincial directorates of the Ministry shall be notified of these decisions.

For assistance and guidance provided for the victim, see Chapter IV- Protection and Support

#### **D. / E. Restriction and protection orders**

Every individual who becomes aware that a person is subjected to violence or is under risk of violence can make a written, verbal or another form of notice to the relevant authorities. The public institutions and organizations along with the professional organisations with public institution status are obliged to inform the complaint mechanisms immediately after they receive such notices.

The victims of violence can make written, verbal or other forms of notices to the relevant authorities if they are faced with violence or the risk of exposure to violence. The complaint mechanisms are liable for fulfilling their duties in pursuant to the Law without delay.

The complaints and notices referred to the Provincial Directorates of Family and Social Policy or VPMCs are notified by them to the law enforcement authorities, civilian authorities, offices of the public prosecutors or judges depending on the nature of each incident. Verbal complaints and notices are taken down instantly.

Upon receiving a complaint and notice, the law enforcement authorities carry out the necessary procedures in line with the general provisions. In cases of risky delay, the authorities submit the preventive and protective measures they adopt in scope of the Law to the civilian authorities or judges for their approval. The law enforcement informs the VPMC of each incident submitted to it, swiftly without delay.

The office of public prosecutor sends a copy of the notice or complaint document urgently to the judge or civilian authority for a judgment to be ruled about the preventive or protective injunction order depending on the nature of each incident.

The civilian authority can decide one or more protective injunctions specified above or other measures which are considered due. Furthermore, the civilian authority notifies the complaint or notice to the law enforcement or the office of public prosecutor depending on the nature of the related incident. The orders ruled either by the judges or civilian authorities are notified to the VPMCs urgently.

No evidences or documents to testify the incidents of violence are required to rule protective injunction orders in pursuant to the provisions of Law. The preventive and protective injunction orders defined under the Law Nr.6284 are envisaged for all forms of violence contained in the Convention and women's shelters provide services to women who are victims of physical, sexual, psychological or economic violence or under risk of violence, without any sort of discrimination and based solely upon the statements of women victims.

No expenses of litigation, taxes etc. are charged for the procedures for enforcement and execution of the orders ruled upon petitions submitted to the relevant authorities in pursuant to the Law.

No evidences or documents to testify the incidents of violence are required to rule protective injunction orders. Preventive injunction orders are ruled without delay. Preventive orders cannot be delayed endangering fulfillment of the objective of the Law Nr.6284. All the precautions have been taken to prevent any actual delay. When the letter of the Law is examined, it is clear that the injunction orders need to be ruled urgently. Article 10 of the Law even contains a provision that failure to announce and notify the injunction orders to the relevant parties may not constitute an obstacle to execution of the orders. Ruling of the injunction order is the sufficient condition to execute such order and no other procedures are necessary.

The injunction orders ruled as per the provisions of the Law are notified by the swiftest means to the MoFSP provincial and district directorates and to the public prosecutor's office or law enforcement authorities depending on the nature of the orders issued.

As per the provisions of Article 8 titled "issue, notification and confidentiality of the injunction orders" of the Law, the injunction can be ruled first for a period of maximum six months. However if it is understood that violence or the risk of violence is still ongoing, it could be decided ex officio to abolish the injunctions or keep them in force or change their applicable term or form, upon request of the people under protection, MoFSP or the law enforcement authorities.

The preventive and protective injunction orders defined in the Law Nr.6284 are ruled independent from the legal and penal conflicts the victim of violence is or will be involved as a party. Article 6 of the Law explains the provisions reserved for the other offenses. Protection orders once issued do not constitute an obstacle for penalties to be imposed if another offense has been committed.

There is no legislative impediment for the preventive and protective injunction orders prescribed in the Law Nr.6284 to be ruled during the legislative procedures in following periods. If a protection order is requested together with an action for divorce, the Family Courts are also authorized to rule such orders.

As per the Law Nr.6284, the minutes taken by the law enforcement authorities detecting the violation of injunctions are submitted to the office of public prosecutor. The minutes are sent by the office of public prosecutor to the family courts immediately. Where a family court decides that injunction orders have been violated, the violator can be sentenced to forced imprisonment ex officio, without needing any other actions. The forced imprisonment is as long as three to ten days; and for each repeat of breach of injunction orders, can be extended to fifteen to thirty days depending on the nature and seriousness of the violated injunction order. However, the period of forced imprisonment may not be longer than six months in total. The orders of forced imprisonment may not serve as basis to repetition, the provisions of release on probation may not be applied thereto and they are not entered in the criminal records.

Please see the Part IV-Protection and Assistance for the support made available to the victims.

Please see the Appendix. for relevant data.

#### **F. /G. Ex officio legal action**

Women who are victims of violence are not required to file a complaint to start proceedings, as the Public Prosecutor's Office launches legal action ex officio. Turkish Penal Code recognizes that when a crime is committed, it is first committed against the state. The public prosecutor starts investigation to discover the truth as soon as the office is informed by a notice or other means about the impression of an offense taking place, in order to decide whether it is proper to initiate public prosecution. Where it is understood after proceeding with the prosecution process started in consequence of the investigation that the offense do not depend on existence of a complaint, the trial is continued.

In pursuant to Article 7 of the Law Nr.6284, every individual can report violence or risk of violence to the official authorities. The public officials receiving such notices are liable to perform their duties resulting from the Law and inform the relevant authorities about the other measures due.

On the other hand, Turkish Penal Code obliges the public officials to notify a crime and set the investigation authorities into motion. Within this framework, the public officials who fail to inform the relevant authorities although they get clues to an act of violence against women are punished.

Within the framework of criminal law, the public prosecutor starts investigation as soon as the office is informed by a notice or other means of the impression about an offense taking place, in order to decide whether it is proper to initiate public prosecution.

Public prosecutors start legal actions ex officio for offenses not conditional upon presence of a complaint. Even if the women victims of violence withdraw their complaints during the proceedings, the suit is not dismissed as it starts as a public action and the proceedings are continued. The offense depends on presence of a complaint only if an act of marital sexual assault and willful injury influences the sufferer to the extent that is curable with simple medical attention. The suit is dismissed if the woman withdraws her complaint and as for the cases except for the aforementioned type, legal action is launched automatically even if no complaint is made. The number of ongoing suits in Turkey is too great in proportion to the population of the country; therefore, there is strong demand for dismissal of the suits in case of withdrawal of the complaint, on account of the heavy burden of work. Due to the key role of such suits in combating violence, the practice of continuation of the actions ex officio is still applicable.

Please see V- Substantive Law for provisions concerning initiation of legal action ex officio.

#### **H. Requirements for participation of other actors**

In scope of the Law Nr.6284, VPMCs are liable to cooperate with NGOs. There are no restrictions for the NGOs active in the field of combating violence against women or other non-governmental organizations to help the victims of violence during the legal procedures.

In pursuant to Article 20 of the Law Nr.6284, the Ministry of Family and Social Policy is authorized to participate in the administrative, criminal and legal suits and ex-parte proceedings concerning violence or the risk of violence against women, children and family members, where necessary. Accordingly, the MoFSP has participated in several lawsuits by assigning its lawyers. On the other hand, the legal and natural persons who are aggrieved by an offense and those who are liable by virtue of property ownership are entitled to participate in criminal cases in any phase of prosecution at the first-degree courts by filing a complaint, in pursuant to the Code of Criminal Procedure.

In the event that the nongovernmental organizations apply to the courts on the victims' side, some courts recognize their applications in line with the objectives contained in the by-laws of such organizations. The Code of Criminal Procedure sets forth a requirement of suffering damage due to an offense to accept the intervention claim of the organizations. The courts decide individually if a NGO has suffered damage due to the offense or not.

### **I. Victim-oriented approach**

As it is stated above, NGOs may support the victims during the legal proceedings. It is at sole discretion of judges only in the litigation process. Moreover, women victims of violence may also have the NGO member attorneys represent themselves. The MoFSP becomes interpleader for supporting women victims and children and provide them with access to legal aid.

32 Judicial Interview Rooms were set up in courthouses in 26 cities on 3<sup>rd</sup> April 2017 to facilitate taking statements of all the vulnerable groups, particularly children, involved in the judicial procedures, have experts to take statements of the victims at the courthouses and thus take the victims' statements only once to prevent secondary victimization. The trainings concerning the Judicial Interview Rooms were organized for the psychologists, social workers and pedagogues working at the family courts, juvenile courts and juvenile heavy criminal courts, between 20<sup>th</sup> March 2017 and 6<sup>th</sup> May 2017, and 656 specialist personnel members participated in the cited trainings. The trainings cover functioning of the judicial interview rooms, legislation, judicial interview and reporting, case management, pediatric development and communication and approach to victim women and children. The principles and procedures pertaining to operation of these rooms are identified by the Regulation on Judicial Interview Rooms which was put into effect in this scope. The rooms will serve to inform the victim women or children about the legal process by specialists and avoid any chances of bringing the victims face to face with the perpetrators to prevent secondary victimization.

The Ministry of Justice General Directorate of Penal Affairs Department of Victim Rights carried out an analysis titled "Women Victims in Judicial Process" covering also the women victims of violence and the analysis was reported in January 2017. Activities concerning the report are still maintained.

The Violence Prevention and Monitoring Centers that provide victim-oriented services are the centers of reference which recruit the necessary expert personnel, preferably women, offer supportive and protective services to implement preventive and protective injunction orders effectively and efficiently to prevent violence against women, work on the 7/24 basis with a one-step system, provide effective and urgent services that recognize human dignity, focus on the strengthening of women's economic, psychological, legal and social position.

As per the Law Nr.6284, the Violence Prevention and Monitoring Centers deliver services for prevention of violence and follow-up of injunction orders, victims of violence, perpetrators and potential perpetrators of violence.

In addition, the Provincial Directorates of Family and Social Policy and Social Services Centers offer consultancy, guidance and social support services for the victims of violence where no VPMCs are available.

Victim-oriented service units are available within the General Directorate of Security Affairs and General Command of Gendarmerie which are the responsible authorities of law enforcement under the roof of the Ministry of Interior. Please see Part II-D for details pertaining to the relevant institutional units.

#### **J. Free legal aid**

According to the provisions of Article 20 of the Law Nr.6284, no expenses of litigation, tax etc. are charged for the procedures for enforcement and execution of the orders ruled upon petitions submitted to the relevant authorities.

As per the Code of Civil Procedure, the individuals who are partially or completely unable to cover the litigation or proceeding expenses without causing serious burden on their own or subsistence of their family are entitled to legal aid in their pleas and defenses, requests for temporary legal protection and execution proceedings, conditional upon forming an opinion that they are justified. The judicial assistance organ provides the beneficiary women with “temporary immunity from all the litigation and proceeding expenses”, “exemption from providing guarantee for the litigation and proceeding expenses”, “payment in advance by the state for all the expenses of litigation and proceeding”, “assigning of an attorney with the fee to be paid subsequently, if the case needs proceedings by an attorney” and the legal aid is continued until a final judgment is rendered. Fee of the attorney assigned by the bar association for the beneficiary of legal aid upon request of the court is paid from the treasury as litigation expenses.

Besides, in pursuant to the provisions of Article titled “the rights of victims and petitioners” of the Code of Criminal Procedure, the victims are entitled to request an attorney from the bar associations for offenses of sexual assault and those requiring a sentence of imprisonment longer than five years, in case of not having an attorney in the process of investigation and prosecution.

Women victims of violence have access to the establishments and opportunities explained above, in the phases of investigating and prosecution of the criminal acts.

Additionally, legal aid is made available for women and children who are victims of violence in scope of the “Corn Poppy Project” run by the Ankara Bar Association. At the Corn Poppy Centers which are staffed by 45 attorneys at law and 221 volunteer attorneys, psychologists and social services specialists also offer their expertise in support of the victims. The centers are accessible 24/7 dialing the line 444 43 06. An attorney at law interviews the applicant at the Corn Poppy Center to decide a legal roadmap suitable for the conditions of the applicant and take necessary steps to accommodate the victims at the shelters affiliated with Ankara Governor’s Office, Ministry of Family and Social Policy and Municipalities (along with their children, if any), if the applicant has no place to stay.

The MoFSP offers legal assistance to the victims. 11.477 women were provided with legal assistance between 2014 and 2016. Attorneys were assigned free of charge, particularly for cases of death, injury and sexual assault.

#### **K. Recourse data**

Please see Annex.

### **VII. Asylum and Migration**

#### **A. Residence permit**

Residence permits are issued for foreign national individuals defined as victims of human trafficking, for periods of six months corresponding to three years in total, in pursuant to the Law on Foreigners and International Protection. Moreover, no conditions are stipulated for this type of residence permit.

#### **B. Asylum status**

An effective protection mechanism is available for the people who seek protection from our state claiming that they are victims of gender violence. The petitions of such people are received and the relevant procedures are carried out according to the provisions set forth in the Law on Foreigners and International Protection.

The foreigners who apply for international protection as victims of gender based violence are considered in line with the criterion of “belonging to a specific social group” which is among the criteria listed in the 1951 Geneva Convention and the Law on Foreigners and International Protection.

#### **C. Types of gender-sensitive asylum**

The unaccompanied children, people with disabilities, the elderly, pregnant women, a parent on its own with a child; or the victims of torture, sexual assault or other serious forms of psychological, physical or sexual violence, who apply for international protection, are qualified as “special needs individuals” in pursuant to the Law on Foreigners and International Protection and the Implementing Regulation thereof. Within this framework, it is set forth that the special needs individuals shall be prioritized in all the processes and procedures relating to their applications for international protection to facilitate progress of their applications in every way possible, and individuals who are victimized by torture, sexual assault or other serious forms of psychological, physical or sexual violence shall be provided with adequate opportunities of treatment to remedy the damage they suffer from such actions. The Law further envisages giving precedence to the special needs individuals at the reception and refuge centers. The relevant public institutions and organizations, international organizations and non-governmental organizations work in cooperation to provide adequate treatment opportunities for the individuals who are victimized by torture, sexual assault or other serious forms of psychological, physical or sexual violence to remedy the damage they suffer from such actions.

The legislative provisions concerning the victims of human trafficking are also applicable to applicants or holders of the international protection status, about whom there are strong doubts of being victimized by or under risk of human trafficking.

It is provided for in the Law and the Regulation that the special conditions of such people shall be considered during the interviews, likewise, and the details of their special needs shall be recorded.

#### **D. The principle of non-refoulement**

Turkey abides by the principle of non-refoulement meticulously, within the framework of its international obligations and national legislation. The open-door policy we have pursued as of 2011 when the Syrian crisis broke out, for the needers who fled from the conflicts back at home is the most significant indicator of its dedication to this principle. The principle of non-refoulement is stipulated in the Law on Foreigners and International Protection, as well. Turkey acts in full conformity with this principle without any discrimination of sex, age, ethnic origin, religion etc. Turkey hosts a population of Syrians larger than the populations of many European Union states. The data of the UN High Commissioner for Refugees reveals that the number of Syrians in Turkey, which has been home to the greatest number of refugees worldwide, exceeds the populations of some EU states. Turkey now has over 3.5 million Syrian guests within its borders.

The hundreds of thousands of Iraqis fleeing conflict regions and the people coming from other countries also constitute a considerable proportion. Around 300 thousand people are accommodated at 26 refuge centers. All their needs are met, including accommodation and food. Furthermore, 9 separate camps are available in service for over 100 thousand Turkmen emigrating from Syria.



On the other hand, in the event that requests of the victimized immigrant and asylum-seeker women who seek protection from Turkey are rejected, secondary protection status is granted to “the foreigners or stateless people who are not qualified either as refugee or conditional refugee; and yet not entitled to protection from their home country or country of domicile or unwilling to be so if they are sent back, for fear that they would be sentenced to death penalty or their sentence would be executed, they would be subjected to torture, inhuman or degrading penalty or treatment; faced with serious threat personally, resulting from non-discriminatory acts of violence in the context of national and international conflicts” following the completion of status determination procedures, as required by Article 63 titled “Secondary Protection” of the Law on Foreigners and International Protection.

#### **E. Other measures**

Expert staff members (psychologists, social workers etc.) accompany the women victims requesting protection from our state, during their procedures and processes, taking their circumstances into account and they are given priority in all their procedures.

On the other hand, the MoFSP primarily and all the relevant public institutions and organizations work in coordination to cater for the security and accommodation needs of the people concerned.

In cooperation with the MoFSP, the Disaster and Emergency Management Presidency, the Ministry of Interior Directorate General of Migration Management, “The Working Group on Gender-based Violence” was formed to convene once a month, with participation of UNFPA, UNICEF, UNHCR, other relevant institutions and representatives from nongovernmental organizations and international organizations. It is aimed with the working group to plan activities to set the Syrians into motion against gender violence and increase their awareness and enable exchange of information on early and forced marriages, build solidarity among women and develop emotional skills. In scope of the group activities, “Standard Operational Procedures on Gender Violence” booklet was prepared and also designed into a brochure to be used by the staff members recruited at the UNHCR and other UN bodies, intergovernmental organizations, nongovernmental organizations and the institutions of the host country to provide protection and support for the refugees in Turkey and others within the limits of their mandate.

Moreover, “The Humanitarian Aid Program on Combating and Response to Gender Violence” developed to improve the capacities of staff responsible for delivering services to the Syrian people for response to gender violence and provide technical assistance to our country for this purpose was run between April 2013 and June 2015 at the Gaziantep Nizip-1 refugee camp chosen as the pilot camp, in cooperation with the General Directorate, the Disaster and Emergency Management Presidency and the UNFPA.

The trainings organized for the camp personnel (executives, administrative staff, interpreters, health staff, voluntary Syrian instructors, Turkish instructors, qualified instructors, cleaning staff, technical staff, security staff and soldiers deployed at the guardhouses) as part of the “Helping the Helpers Trainings” developed in scope of the program covers the themes of

“Emergency Trauma Information, Relational Skills and Communication, Evaluation of People Affected by Violence and Guidance, Legislation and Institutional Structure for Violence Prevention in Turkey”.

Furthermore, trainings on techniques of approach to the trauma sufferers and relevant legislative provisions were organized for the staff members of the MoFSP (social workers, psychologists, educators and sociologists), working with or likely to come in contact with Syrian people in 10 cities with camps.

Meetings were held with Syrian women to set the Syrians into motion against gender violence and increase their awareness and enable exchange of information on early and forced marriages, build solidarity among women and develop emotional skills. These meetings provided an enabling environment for women to express themselves and develop solidarity with one another, and they were informed about early and forced marriages, violence against women and so on. Furthermore, information was shared on such matters as legislation and mechanisms of reference, human trafficking etc.

Brochures were designed and printed in Turkish and Arabic to provide information about human trafficking, early and forced marriages, violence etc. and the mechanisms of reference in case of exposure to violence or witnessing such incidents. The brochures were sent to camps and cities with camps and dense Syrian population to inform the Syrian people.

On the other hand, foreign women, including the Syrian nationals, under temporary protection are also provided with access to the services offered by the shelters affiliated with MoFSP in case of suffering, in Turkey, from violence as defined in the Law Nr.6284.

“The Project on Support to Improvement of Legal Aid Practices for Access to Justice for All in Turkey (SILA)” developed jointly by the Union of Turkish Bar Associations, Ministry of Justice, United Nations Development Programme and the Kingdom of Sweden was started on 14<sup>th</sup> September 2015. The SILA Project, the term of which is envisaged to be 3 years, aims to improve legal aid services in Turkey and build up professional capacities of the lawyers providing services to the disadvantaged groups particularly and the Syrian population in Turkey and also cater for the institutional need of the bar associations for an efficient legal aid system. Moreover, “The Human Rights Center Working Group on Refugee Rights” was constituted within the Union of Turkish Bar Associations and activities were planned to further inform the lawyers on the issue.

## APPENDIX -1 DATA

**Table 1: In-service training**

	<b>NUMBER OF PROFESSIONALS TRAINED</b>	<b>MANDATORY NATURE</b>	<b>AVERAGE LENGTH OF CURRICULUM</b>	<b>PERIODICITY</b>	<b>FUNDING SOURCE</b>	<b>BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING</b>	<b>TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS</b>
<b>Police and other law-enforcement officials</b>	Trainers training for 36 personnel members of Gendarmerie	Mandatory	1 week	2014	National	The General Command of Gendarmerie	√
	262 personnel members of Gendarmerie	Mandatory	2 weeks	2014-2015	National	The General Command of Gendarmerie	√
	24.831 ranks and files Gendarmerie	Mandatory	3 days	2014-2015	National	The General Command of Gendarmerie	√
	Trainers Training for 506 police officers	Mandatory	5 days	2014-2016	National+ International	Directorate General of Turkish National Police	√
	Training of 7128 Police officers	Mandatory	3 days	2014-2016	National+ International	Directorate General of Turkish	√

						National Police	
<b>Prosecutors Judges</b>	Training for 26 personnel of Ministry of Justice	Mandatory	3 days		National+ International	Ministry of Justice	√
	107 judges and prosecutors	Mandatory	2,5 days				
<b>Social workers</b>	626 social workers	Mandatory	5 days	2014-2016	National+ International	MoFSP	√
	124 supervision trainings for MoFSP staff	Mandatory	5 days	2014-2016			
<b>Medical doctors Nurses and midwives</b>	326 trainers training for health professionals	Mandatory	5 days	2014-2016	National+ International	Ministry of Health	√
	32.229 primary care health professionals	Mandatory	2 days	2014-2016	National	Ministry of Health	√
<b>Psychologists, in particular counsellors/ psychotherapists</b>	178 psychologist pedagogue social workers	Mandatory	5 days	2014-2016	National+ International	MoFSP	√
	64 Family Court experts	Mandatory	6 days	2015-2016	National	Ministry of Justice	
	147 Family Court experts	Mandatory	5 days	2014-2016	National+ International	Ministry of Justice	√

					al		
<b>Immigration/asylum officials</b>							
<b>Educational staff and school administrators</b>	6000 teachers	Mandatory		2015-2016	National+ International	Ministry of National Education	
<b>Journalists and other media professionals</b>							
<b>Servicemen and women</b>	511 Chief clerks and court clerks	Mandatory	5 days	2014-2016	National+ International	Ministry of Justice	√
	1906 chief clerks and court clerks	Mandatory	6 days	2015-2016	National	Ministry of Justice	
<b>Any other relevant category</b>	Trainers Training for 7197 Military Staff	Mandatory	5 days	2014-2015	National	Ministry of National Defense	
	490.222 ranks and files	Mandatory	2 days				
	47.566 religious officials	Mandatory	5 and 1 days	2014-2016	National+ International	Presidency of Religious Affairs	√

	28 representatives of NGOs and personnel of local governments, women counseling centers		3 days	2015-2016	National+ Internation al	MoFSP	
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**Table 2**

<b>PROTECTIVE INJUNCTION ORDERS (2014-2016)</b>			<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Article 3/1-a</b>	To provide an appropriate shelter to the person and if necessary to children of the person in the vicinity or at another location.	To provide shelter	10.825	13.403	9.429
<b>Article 3/1-b</b>	To provide temporal financial aid to the person without prejudice to aids to be provided within the scope of other laws.	Temporal financial aid	128	314	10
<b>Article 3/1-c</b>	To provide psychological, professional, legal and social guidance and counseling services	Guidance and counseling service	188	465	216
<b>Article 3/1-ç</b>	To provide a temporary protection upon a request of the relevant person or ex officio if there is a life threatening danger for the person	To provide temporary protection	34.443	45.254	42.351
<b>Article 3/1-d</b>	If deemed necessary; four months of day care, maximum two months for those who work, is provided to children of the protected persons to support the person's participation into work life; on the condition to be documented and not to exceed the half of the net minimum wage paid to those older than 16 years of age, and to be covered from the Ministry's related budget.	Day care aid	33	82	6
<b>Article 4/1-a</b>	To change the workplace	To change the workplace	54	111	192
<b>Article 4/1-b</b>	To determine a domicile different from the shared one if the person is married.	To determine a domicile apart from the spouse	121	264	112
<b>Article 4/1-c</b>	To put an annotation to the title deed registry as a family domicile if the conditions are applicable as prescribed within the Turkish Civil Code No.4721 dated 22/11/2001 and upon request of the protected person.	To put an annotation to the title deed registry as a family domicile	6	3	17
<b>Article</b>	To change the identification and other related documents	To change identification	89	155	58

<b>4/1-ç</b>	based on the informed consent of the relevant person as per the provisions of the Witness Protection Law No. 5726 dated 27/12/2007 if it is determined that there is a life threatening danger for the protected person and the measures to prevent this danger are inadequate.	and other related documents			
	Other		1016	1036	1350
<b>TOTAL</b>			48.917	63.102	55.757

**Table 3**



<b>PREVENTIVE INJUNCTION ORDERS (2014-2016)</b>			<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Article 5/1-a</b>	Not to exhibit a remark or behavior including threats of violence, insult and humiliation against the victim of violence	Threats of violence, insult and humiliation by the violence perpetrator	104.469	122.045	153.953
<b>Article 5/1-b</b>	To move from the family domicile or the vicinity immediately and to allocate the shared domicile to the protected person	To move from the domicile	59.525	56.438	54.371
<b>Article 5/1-c</b>	Not to approach to the protected persons and their residences, schools and workplaces.	Not to approach to the residence and workplace	69.210	78.235	82.916
<b>Article 5/1-ç</b>	If there is a previous decision to allow personal connection, to have personal connection with children together with a company and to restrict or revoke it completely	To regulate the connection with child	1.785	1.719	1.487
<b>Article 5/1-d</b>	If deemed necessary, not to approach the relatives and children of the protected person even if they haven't been subject to violence, without prejudice to the decisions that allow personal connection with children	Not to approach the relatives and children of the protected person	52.043	58.927	60.934
<b>Article 5/1-e</b>	Not to give damage to personal effects and household goods of the protected person	Not to give damage to personal effects and household goods of the protected person	24.141	19.882	21.921
<b>Article 5/1-f</b>	Not to disturb the protected person by means of communication or alternative channels	Not to disturb by means of communication	35.635	30.688	36.434
<b>Article 5/1-g</b>	To hand over the weapons which are officially permitted to be carried or possessed, to the law enforcement officials.	To hand over the weapons to the law enforcement officials.	16.962	14.010	15.180
<b>Article 5/1-ğ</b>	To hand over the weapon to the employing institution even if the person fulfilling a public service that requires carrying a weapon	To hand over the entrusted weapon to the employing institution	7.458	6.540	7.130

<b>Article 5/1-h</b>	Not to use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and whereabouts while under influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of addiction	Not to use alcohol, drugs or stimulants	14.270	11.882	11.712
<b>Article 5/1-i</b>	To apply to a health centre for examination or treatment and to ensure having a treatment	To provide psychological treatment	2.891	2.842	3.746
<b>Article 5/3</b>	If there is a previous decision on personal connection with children, to have personal connection together with a company and to restrict or revoke it completely	Decision to custody	267	111	235
<b>Article 5/4</b>	With the measures identified within this Law, the judge is authorised to take a decision on protective and preventive measures as prescribed in the Child Protection Law no. 5395 dated 3/7/2005 and on the issues of guardianship, custody, alimony and personal connection pursuant to the provisions of Law no. 4721.	Precautionary alimony	773	457	208
<b>Article 13</b>	Acting Contrary to the Cautionary Decisions	Coercive imprisonment	1.380	1.318	1.179
	Other		11.165	10.723	8.064
<b>TOTAL</b>			401.974	415.829	459.493

**Table 4**

**TYPE of COURT and NUMBER of CASES SUED for PROTECTION ORDER PURSUANT TO THE LAW NO. 6284 (2015)**

<b>TYPE OF COURT</b>	<b>TYPE OF CASE</b>	<b>NUMBER of CASE</b>	<b>PLAINTIFF</b>	<b>DEFENDANT</b>
<b>FAMILY COURT</b>	<b>Assessment of Objection Pursuant to Law No. 6284</b>	12704	17911	15474
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	57756	102491	63968
	<b>Protection Order No. 6284</b>	78662	107112	91442
<b>COURT OF FIRST INSTANCE</b>	<b>Assessment of Objection Pursuant to Law No. 6284</b>	3488	5400	3965
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	24572	40377	26945
	<b>Protection Order No. 6284</b>	12860	18306	14030
<b>TOTAL</b>		<b>190042</b>	<b>291597</b>	<b>215824</b>

**Table 5**

**TYPE of COURT and NUMBER of CASES SUED for PROTECTION ORDER PURSUANT TO THE LAW NO. 6284 (2014)**

<b>TYPE OF COURT</b>	<b>TYPE of CASE</b>	<b>NUMBER of CASE</b>	<b>PLAINTIFF</b>	<b>DEFENDANT</b>
<b>FAMILY COURT</b>	<b>Assessment of Objection Pursuant to Law No. 6284</b>	12161	16578	14559
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	49468	86615	54540
	<b>Protection Law No. 6284</b>	85680	111507	94973
<b>COURT OF FIRST INSTANCE</b>	<b>Evaluation of Objection Pursuant to Law No. 6284</b>	3026	4525	3408
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	22275	36972	23942
	<b>Protection Order No. 6284</b>	15011	19542	13885
<b>TOTAL</b>		<b>187621</b>	<b>275739</b>	<b>205307</b>

**Table 6**

**COURTS, NUMBERS of AND TYPES OF CASES RULED ON PROTECTION ORDER PURSUANT TO THE LAW NO. 6284 (2015)**

TYPE OF COURT	TYPE OF CASE	NATURE of DECISION										Number of Case
		Dismissal						Acceptance		Compromise	Other	
		Lapse of Time and period of prescription	Rejection of venue	Lack of Jurisdiction	Lack of Evidence	Due to withdrawal	Lack of Cause of Action	Full acceptance	Part-acceptance-part-dismissal			
FAMILY COURT	Assessment of Objection Pursuant to Law No. 6284	8	6	15	9812	24	158	1359	835		478	12695
	Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284	6	7	25	2256	37	145	45271	8987	1	1028	57763
	Protection Order No. 6284	2	38	147	6266	95	325	59268	6862	1	5744	78748
COURT OF FIRST INSTANC E	Evaluation of Objection Pursuant to Law No.	4	3	5	2649	7	62	534	119		104	3487

	<b>6284</b>											
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	28	3	3	914	18	97	21776	1587			
	<b>Protection Order No. 6284</b>	1	11	15	1267	21	94	10651	350		147	24573
	<b>TOTAL</b>	<b>49</b>	<b>68</b>	<b>210</b>	<b>23164</b>	<b>202</b>	<b>881</b>	<b>138859</b>	<b>18740</b>	<b>2</b>	<b>7957</b>	<b>190132</b>

**Table 7**

**TYPE of COURT and NUMBER of CASES SUED for PROTECTION ORDER PURSUANT TO THE LAW NO. 6284 (2014)**

TYPE OF COURT	TYPE OF CASE	NATURE of DECISION											Number of Case
		Dismissal						Acceptance		Compromise	Other		
		Lapse of Time and period of prescription	Rejection of venue	Lack of Jurisdiction	Lack of Evidence	Due to withdrawal	Lack of Cause of Action	Full acceptance	Part-acceptance-part-dismissal				
FAMILY COURT	Assessment of Objection Pursuant to Law No. 6284	9	11	14	9428	42	214	1245	831		374	12168	
	Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284	4	8	19	1869	44	167	38495	7903		927	49436	
	Protection Order No. 6284	5	38	126	6744	158	439	66051	6034	3	6177	85775	
COURT OF FIRST INSTANC E	Assessment of Objection Pursuant to Law No.	3	4	21	2237	5	69	469	108		102	3018	

	<b>6284</b>											
	<b>Approval of Decision of Law Enforcement Judge Pursuant to Law No. 6284</b>	27	2	25	983	19	74	19850	1163		131	22274
	<b>Protection Order No. 6284</b>	5	20	62	1649	22	111	11974	577	3	572	14995
<b>TOTAL</b>		<b>53</b>	<b>83</b>	<b>267</b>	<b>22910</b>	<b>290</b>	<b>1074</b>	<b>138084</b>	<b>16616</b>	<b>6</b>	<b>8283</b>	<b>187666</b>



## **APPENDIX 2. The relevant provisions of law**

### **Turkish Penal Code**

#### **Provisions of a Statute and Orders from a Superior**

##### **Article 24**

- (1) A person who carries out the provisions of a statute shall not be subject to a penalty.
- (2) A person who carries out an order given by an authorized body as part of his duty, the execution of which is compulsory, shall not be held culpable for such act.
- (3) An order constituting an offence may never be executed in any circumstances. Otherwise, the people who give and carry out the order shall be culpable.
- (4) Where the examination of the lawfulness of the order is prohibited by law, the person giving the order shall be culpable for its execution

#### **Legitimate Defense and Necessity**

**ARTICLE 25.** - (1) No penalty shall be imposed upon an offender in respect of acts which were necessary to repel an unjust assault which is directed, carried out, certain to be carried out or to be repeated against a right to which he, or another, was entitled, provided such acts were proportionate to the assault, taking into account the situation and circumstances prevailing at the time.

(2) No penalty shall be imposed upon an offender in respect of acts which were committed out of necessity, in order to protect against a serious and certain danger (which he has not knowingly caused) which was directed at a right to which he, or another, was entitled and where there was no other means of protection, provided that the means used were proportionate to the gravity and subject of the danger.

#### **Use of a Right and Consent**

**ARTICLE 26.** - (1) A person who exercises his right shall not be subject to a penalty.

(2) No penalty shall be imposed in respect of any act committed as a result of the declared consent of another person and provided that such person has the full authority to give consent.

#### **Exceeding of Limits**

**ARTICLE 27.** - (1) Where the limits of criminal culpability are unintentionally exceeded and the act is committed by recklessness and is subject to a penalty, the penalty imposed in respect of offences of recklessness shall be reduced by one-sixth to one-third.

(2) If the limits were exceeded in the course of legitimate defense as a result of excitement, fear or agitation and can be regarded as excusable, the offender shall not be subject to a penalty.

#### **Force and Violence, Menace and Threat**

**ARTICLE 28.** - (1) No penalty shall be imposed upon a person who commits a criminal offence as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in the use of force, violence, menace or threat shall be deemed to be the offender.

### **Unjust provocation**

**ARTICLE 29.** - (1) Any person who commits an offence in a state of anger or severe distress caused by an unjust act shall be sentenced to a penalty of imprisonment for a term of eighteen to twenty four years where the offence committed requires a penalty of aggravated life imprisonment and to a penalty of imprisonment for a term of twelve to eighteen years where the offence committed requires a penalty of life imprisonment. Otherwise the penalty to be imposed shall be reduced by one-quarter to three-quarters.

### **Mistake**

**ARTICLE 30.** - (1) Any person who, while conducting an act, is unaware of matters which constitute the actus reus of an offence, is not considered to have acted intentionally. Culpability with respect to recklessness shall be preserved in relation to such mistake.

(2) Any person who is mistaken about matters which constitute an element of a qualified version of an offence, which requires an aggravated or mitigated sentence, shall benefit from such mistake.

(3) Any person who is inevitably mistaken about the conditions which, when satisfied, reduce or negate culpability shall benefit from such mistake.

### **Minors**

**ARTICLE 31.** - (1) Minors under the age of twelve are exempt from criminal liability. While such minors cannot be prosecuted, security measures in respect of minors may be imposed.

(2) Where a minor is older than twelve, but younger than fifteen, at the time of an offence, and he is either incapable of appreciating the legal meaning and consequences of his act or his capability to control his behavior is underdeveloped then he shall be exempt from criminal liability. However, such minors may be subject to security measures specific to children. Where the minor has the capability to comprehend the legal meaning and result of the act and to control his behaviors in respect of his act; for offences requiring a penalty of aggravated life imprisonment, a term of nine to twelve years of imprisonment shall be imposed and for offences that require a penalty of life imprisonment, a term of seven to nine years imprisonment shall be imposed. Otherwise the penalty to be imposed shall be reduced by two thirds, save for the fact that for each act such penalty shall not exceed six years.

(3) Where a minor is older than fifteen but younger than eighteen years at the time of the offence, a term of fourteen to twenty years of imprisonment shall be imposed for crimes that require a penalty of aggravated life imprisonment and nine to twelve years of imprisonment shall be imposed for offences that require a penalty of life imprisonment. Otherwise the penalty to be imposed shall be reduced by half, save for the fact that the penalty for each act shall not exceed eight years.

### **Mental Disorder**

**ARTICLE 32.** - (1) No penalty may be imposed on a person who, due to mental disorder, cannot comprehend the legal meaning and consequences of the act he has committed, or if, in respect of such act, his ability to control his own behavior was significantly diminished. However, security measures shall be imposed for such persons.

(2) Notwithstanding that it does not reach the extent defined in paragraph one, where a person's ability to control his behavior in respect of an act he has committed is diminished, then a term of imprisonment for twenty five years where the offence committed requires a penalty of aggravated life imprisonment and twenty-year imprisonment for offences normally requiring life imprisonment shall be imposed. Otherwise the penalty to be imposed may be

reduced by no more than one-sixth. The penalty to be imposed may be enforced partially or completely as a security measure specific to mentally disordered persons, provided the length of the penalty remains the same.

### **Deafness and Muteness**

**ARTICLE 33.** - (1) The provisions of this law which relate to minors under twelve years of age on the date of the offence shall also be applicable to deaf and mute persons under the age of fifteen. The provisions of this law which relate to minors who are over twelve years of age but under fifteen shall also be applicable to deaf and mute persons who are over fifteen years of age but under eighteen years of age. The provisions of this law which relate to minors over fifteen years of age but under eighteen of age shall be applied to deaf and mute persons who are over eighteen years of age but under twenty one years of age.

### **Temporary Reasons and Being under Influence of Alcohol or Drugs**

**ARTICLE 34.** - (1) Any person who is, because of a temporary reason or the effect of alcohol or drugs taken involuntarily, unable to comprehend the legal meaning and consequences of an act he has committed, or whose ability to control his behavior regarding such act was significantly diminished, shall not be subject to a penalty.

(2) The provisions of the paragraph one shall not apply to a person who commits an offence under the effects of alcohol or drugs which have been taken voluntarily.

### **Criminal Attempt**

**ARTICLE 35.** - (1) Any person who begins to directly act, with the appropriate means and with the intention of committing an offence, but has been unable to complete such offence due to circumstances beyond his control, shall be culpable for the attempt.

(2) In a case of criminal attempt, depending upon the seriousness of the damage and danger that accrued, the offender shall be sentenced to a penalty of imprisonment for a term of thirteen to twenty years where the offence committed requires a penalty of aggravated life imprisonment, or to a penalty of imprisonment for a term of nine years to fifteen years where the offence committed requires a penalty of life imprisonment. Otherwise the penalty shall be reduced by one-quarter to three-quarters.

### **Principal Involvement**

**ARTICLE 37.** - (1) each of the people who jointly perform an act prescribed by law as an offence shall be culpable individually as the offender of that act.

(2) Any person who uses another as an instrument for the commission of an offence shall remain culpable as an offender. The penalty of a person who uses as an instrument another person who lacks the capacity of acting with fault shall be increased by one-third to one-half.

### **Incitement**

**ARTICLE 38.** - (1) A person who incites another to commit an offence shall be subject to the penalty appropriate to the offence that is committed.

(2) Where there is incitement to offend by using influence arising from a direct-descendent or direct-antecedent relationship, the penalty of the instigator shall be increased by one third to one half. Where there is incitement of a minor, a direct-descendant or direct antecedent relationship shall not necessary for the application of this paragraph.

(3) Where the identity of the instigator is not known and if the offender plays a role in the identification of the instigator, or other accomplice, she/he shall be sentenced to a penalty of imprisonment for a term of twenty to twenty-five years if the offence committed requires aggravated life imprisonment and to a term of imprisonment of fifteen years to twenty years if the offence committed requires life imprisonment. Otherwise the penalty to be imposed may be reduced by one-third.

### **Assistance**

**ARTICLE 39.** - (1) A person who assists another with the commission of an offence shall be sentenced to a penalty of imprisonment for a term of fifteen years to twenty years if the offence committed requires aggravated life imprisonment, and to a term of ten to fifteen years imprisonment if the offence committed requires life imprisonment. Otherwise; the penalty to be imposed shall be reduced by one-half. However, in this case, the penalty to be imposed shall not exceed eight years.

(2) A person remains culpable as an assistant if she/he

- a) encourages the commission of an offence, or reinforces the decision to commit an offence, or promises that he will assist after the commission of an act,
- b) provides counsel as to how an offence is to be committed, or provides the means used for the commission of the offence,
- c) facilitate the execution of an offence by providing assistance before or after the commission of the offence.

### **Successive Offences**

**ARTICLE 43.** - (1) Where a person commits the same act, more than once, against a person, at different times in the course of carrying out a decision to commit an offence, a single penalty shall be given. However, the penalty to be imposed in respect of that offence shall be increased by one quarter to three quarters. The basic version and qualified versions, which require higher or lesser penalties, of an offence shall be deemed to be one offence.

(2) The provisions of the paragraph one shall apply where an offence has been committed against more than one person through a single act.

(3) The provisions of this article shall not apply to intentional homicide, intentional wounding, torture and robbery.

### **Repeat Offending and Especially Dangerous Offenders**

**ARTICLE 58.** - (1) The repeat offending provisions shall be applied where there has been a commission of an offence subsequent to a previously finalised conviction. For this provision to apply it is not necessary that any penalty has been enforced.

(2) The repeat offending provisions shall not apply to offences committed

- a) five years after the completion date of the sentence for the previous conviction, where such a sentence was for a period greater than five years,
- b) three years after the completion date of the sentence for the previous conviction, where such sentence was for a period of imprisonment of 5 years or less or was a judicial fine.

(3) In cases of repeat offending, a penalty of imprisonment shall be given if a penalty of imprisonment or a judicial fine is prescribed as alternatives in the law in respect of the most recent offence committed.

(4) The repeat offending provisions shall not be applied where an offence of recklessness follows an offence of intent or vice versa and where a strict military offence follows any other offence or vice versa. The judgments of foreign courts shall be not be subject to recidivism, excluding the offences of Intentional Killing, Intentional Injury, Robbery, Deception, Production and Trade of Narcotics or Psychotropic Substances, Counterfeiting Money or Valuable Stamps.

(5) The repeat offending provisions shall not be applicable to offences committed by any person who was under eighteen years of age at the time of the commission of the act.

(6) The sentence, in cases of repeat offending, shall be enforced in accordance with The Enforcement Code. Further, probationary measure shall be applied for the repeat offender a following the completion of the term of imprisonment.

(7) The judgment of the Court should clearly state what the applicable enforcement regime for repeat offenders is and should state that the repeat offender probationary measure is applicable following the completion of the term of imprisonment.

(8) The Enforcement Code pertaining to repeat offenders and the probationary measure shall be applied in pursuant to the law.

(9) The Enforcement Code pertaining to repeat offenders and the probationary measure following the completion of the sentence shall also apply to a habitual offender, a career offender or a member of a criminal organization.

### **Grounds for Discretionary Mitigation**

**ARTICLE 62.** - (1) Where there are grounds for discretionary mitigation, penalty of life imprisonment shall be imposed for an offense normally requiring aggravated life imprisonment; or twenty-five years imprisonment instead of life imprisonment. Otherwise the penalty to be imposed shall be reduced by up to one-fifth.

(2) In the evaluation of discretionary mitigation the following matters shall be taken into account: background, social relations, and the behavior of the offender after the commission of the offence and during the trial period, and the potential effects of the penalty on the future of the offender. The reasons for any discretionary mitigation shall be stated in the judgment.

### **Intentional murder**

**ARTICLE 81.** - (1) Any person who intentionally murders another shall be sentenced to life imprisonment.

### **Aggravated forms of intentional murder**

**ARTICLE 82.** - (1) If the act of intentional murder is committed

- a) with premeditation,
- b) brutally or through torment,
- c) by causing fire, flood, destruction, sinking or bombing or by using nuclear, biological or chemical weapons,
- d) against a direct ascendant, direct descendant, spouse or sibling,
- e) against a child or against somebody who cannot protect himself physically or mentally,
- f) against a pregnant woman, in knowledge of such pregnancy,
- g) against a person because of the public service he/she performs,
- h) in order to conceal an offence, destroy evidence, facilitate the commission of another offence or prevent apprehension,

- i) with the motive of a blood feud,
  - j) with the motive of tradition,
- the offender shall be sentenced to aggravated life imprisonment

### **Intentional Killing by Act of Omission**

**ARTICLE 83.** - (1) In order to hold a person culpable for a death caused by his/her failure to perform a positive act, which he/she has a duty to perform, the omission which caused the death should be tantamount to a positive act.

(2) An omission shall be tantamount to a positive act where the person

- a) has an obligation, deriving from law or a contract, to perform certain positive acts, and
- b) has previously endangered the life of another person due to his behavior.

(3) Where a person causes the death of a person, by omission with respect to fulfilment of a particular obligation, he/she may be sentenced to a penalty of imprisonment for a term of twenty to twenty five years where the offence committed requires a penalty of aggravated life imprisonment; where the offence committed requires a penalty of life imprisonment he may be sentenced to a penalty of imprisonment for a term of fifteen to twenty years; in any other case, the sentence shall be a penalty of imprisonment for a term of ten to fifteen years, and the offender may also be exempt from any abatement to the sentence.

### **Suicide**

**ARTICLE 84.** - (1) Any person who incites, or encourages, another person to commit suicide, or who strengthens an existing decision to commit suicide or who, in any way, assists a person in committing the act of suicide, shall be sentenced to a penalty of imprisonment for a term of two to five years.

(2) If the suicide attempt ends in decease of the victim, the offender shall be sentenced to a penalty of imprisonment for a term of four to ten years.

(3) Any person who publicly encourages others to commit suicide shall be sentenced to a penalty of imprisonment for a term of three to eight years. In the event that this act is committed by use of the press, the offender shall be sentenced to imprisonment for four to ten years.

(4) Any person who directs another to commit suicide, where the capacity of that person to understand the meaning and consequences of the act is compromised or lacking, or if a person compels another person to commit suicide by using threat or force, they shall be culpable of the offence of intentional killing.

### **Intentional Injury**

**ARTICLE 86.** - (1) Any person who intentionally causes another person physical pain or who impairs another person's health, or ability to perceive, shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) Where an intentional injury is committed

- a) against a direct antecedent, direct descendent, spouse or sibling,
- b) against a person who cannot defend himself physically or mentally,
- c) against a person because of his duties as a public officer,
- d) on account of a public officer misusing his influence; or

e) by using a weapon,  
the offender shall be sentence to imprisonment for two to five years.

### **Aggravated Injury on Account of its Consequences**

**ARTICLE 87.** - (1) If the act of intentional injury results in

a) the permanent impairment of the functioning of any one of the senses or organs of the victim,

b) a permanent speech defect,

c) a distinct and permanent scar on the face,

d) a situation which endangers a person's life; or

e) the premature birth of a child, where the victim is a pregnant woman,

then the penalty to be determined according to the above article shall be increased by one fold. However, the penalty of imprisonment to be imposed shall not be for a term of less than three years for offences defined in paragraph one and the penalty to be imposed shall not be for a term of less than five years imprisonment for offences defined in paragraph two.

(2) If the act of intentional injury causes the victim to

a) develop a health condition which is incurable or lapse into vegetative life,

b) suffer from the loss of functioning of one of the senses or organs,

c) suffer from the loss of the ability to speak or the loss of fertility,

d) go through a permanent disfigurement to the face,

e) lose an unborn child, where the victim is a pregnant woman,

then the penalty to be determined according to the aforementioned article shall be increased by two folds. However, the penalty of imprisonment to be imposed shall not be for a term of less than five years imprisonment for offences defined in paragraph one or not be for a term of less than eight years for offences defined in paragraph two.

(3) Where the intentional injury results in the fracture or dislocation of a bone, the penalty to be imposed shall be for a term of one to six years depending on the effect of the fractured or dislocated bone on his ability to function in life.

(4) Where the intentional injury results in the death of a person, the offender shall be sentenced to a penalty of imprisonment for a term of eight to twelve years for offences defined in paragraph one and twelve to sixteen years for offences defined in paragraph two.

### **Offenses subject to less punishment**

**ARTICLE 88.** - (1) In cases where it is possible to diminish the effect of felonious injury by a simple medical surgery, the offender is sentenced to imprisonment for four months to one year or punitive fine upon complaint of the victim.

(2) In case of commission of intentional injury by negligence, the punishment to be imposed may be reduced up to two thirds. In practice of this provision, the conditions relating to willful murder by negligence are taken into consideration.

### **Torture**

**ARTICLE 94.** - (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act of his own will or

insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.

(2) If the offence is committed against

a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or

b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed.

(3) If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years,

(4) Any other person who participates in the commission of this offence shall be sentenced in a manner equivalent to the public officer.

(5) If the offence is committed by way of omission there shall be no reduction in the sentence.

### **Aggravated Torture on Account of its Consequences**

**ARTICLE 95.** - (1) Where the act of torture causes the following on the victim;

a) a permanent impairment of the functioning of any one of the senses or an organ,

b) a permanent speech defect,

c) a distinct and permanent scar on the face,

d) a situation which endangers a person's life, or

e) the premature birth of a child, where the victim is a pregnant woman,

the penalty determined in accordance with Article above shall be increased by one half.

(2) Where the act of torture causes the following on the victim;

a) an incurable condition of health or lapsing into vegetative state,

b) the loss of function of one of the senses or organs,

c) the loss of the ability to speak or loss of fertility,

d) a permanent disfigurement of the face, or

e) the loss of an unborn child, where the victim is a pregnant woman,

The penalty determined in accordance with Article above shall be increased by two folds.

(3) Where an act of torture results in a bone fracture, the offender shall be sentenced to a penalty of imprisonment for a term of eight to fifteen years depending on the effect of the fracture on his ability to function in life.

(4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

### **Torment**

**ARTICLE 96.** - (1) Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of two to five years.

(2) Where the acts falling under the above paragraph are committed against

a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or

b) a direct ascendant, direct descendant, adoptive parent or spouse,

a penalty of imprisonment for a term of three to eight years shall be imposed.

### **Failure in the Duty of Assistance or Notification**



**ARTICLE 98.** - (1) Any person who fails to assist, taking into account his position and circumstances, an individual who is incapable of caring for themselves on account of age, illness, injury or any other reason, or immediately notify the relevant authority of the circumstances of such individual, shall be sentenced to a penalty of imprisonment for a term of up to one year, or a judicial fine.

(2) Where an individual dies due to the failure of a person to perform in his duty to assist or to notify, a penalty of imprisonment for a term of one to three years shall be imposed.

### **Illegal abortion**

**ARTICLE 99.** - (1) Any person who performs an abortion of a child upon a woman without her consent shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(2) A person who, in the absence of medical necessity, performs an abortion of a child, upon a woman, who is more than ten weeks pregnant and gives her consent, shall be sentenced to imprisonment for a term of two to four years. The woman who consents to the abortion in these circumstances shall be sentenced to a penalty of imprisonment for a term of up to one year and a judicial fine.

(3) Where the act referred to in the paragraph one causes damage to the physical or mental health of the woman, the offender shall be sentenced to a penalty of imprisonment for a term of six to twelve years. Where the act results in the death of the woman, a penalty of imprisonment for a term of fifteen to twenty years shall be imposed.

(4) Where the act referred to in paragraph two causes damage to the physical or mental health of the woman, the person shall be sentenced to a penalty of imprisonment for a term of three to six years. Where the act results in the death of the woman, a penalty of imprisonment for a term of four to eight years shall be imposed.

(5) Irrespective of the consent of the woman; if an unauthorized person performs the abortion of a child, upon a woman who is less than ten weeks pregnant; a penalty of imprisonment for a term of two to four years shall be imposed. If any of the offences listed in the above paragraphs are committed by an unauthorized person, the penalties shall be increased by one half.

(6) Where a woman is pregnant due to an offence that she was a victim of, no penalty shall be imposed upon any person who terminates such pregnancy, where the term of pregnancy is not more than 20 weeks and there is consent from the woman. However this requires termination of the pregnancy by expert doctors in a hospital environment.

### **Sterilization**

**ARTICLE 101.** - (1) Any person who sterilizes a man or woman, without their consent, shall be sentenced to a penalty of imprisonment for a term of three to six years. If the act is performed by a person who is unauthorized to sterilize, then the penalty shall be increased by one third.

(2) Where the sterilization is performed by an unauthorized person, even with the person's consent, a penalty of imprisonment for a term of one to three years shall be imposed.

## **Sexual Assault**

**ARTICLE 102.** - (1) Any person who violates the physical integrity of another person, by means of sexual conduct, shall be sentenced to a penalty of imprisonment for a term of two to seven years, upon the complaint of the victim.

(2) Where the act is committed by means of inserting an organ, or other object, into the body, the offender shall be punished with a term of imprisonment for seven to twelve years. If the act is committed against the offender's spouse, conducting an investigation and prosecution shall be subject to a complaint by the victim.

(3) Where the offence is committed

a) against a person who is physically or mentally incapable of defending themselves;

b) by misusing the influence derived from a position in public office or a private working relationship;

c) against a person with whom he has kinship by blood including the third degree or kinship by marriage,

d) by using weapons or together with the cooperation of more than one person, the penalties imposed in accordance with paragraphs above shall be increased by half.

(4) Where greater force than necessary is used to suppress the resistance of the victim during the commission of the offence, the offender shall also be sentenced to a penalty for intentional injury in addition.

(5) In the event that the mental or physical health of the victims deteriorates due to the offense, the offender shall be sentenced to imprisonment of no less than ten years.

(6) If the victim dies or lapses into vegetative state as a result of the offense, the offender shall be sentenced to aggravated life imprisonment.

## **Sexual abuse of the child**

**ARTICLE 103.** - (1) Any person who abuses a child sexually is sentenced to an imprisonment from three years to eight years. Sexual abuse covers the following acts;

a) All kinds of sexual acts against children who are under the age of fifteen or against those attained the age of fifteen but lack the ability to understand the legal consequences of such act,

b) Sexual behaviors committed against other children by force, threat, fraud or another reason affecting the willpower.

(2) In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment for eight to fifteen years.

(3) If the sexual abuse is committed against a person by whom he or she has third degree blood relation or kinship with, or by stepfather, stepmother, half-sibling or adopter, by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her, or by misusing the influence based on employment relationship, the punishment to be imposed according to the subparagraphs above is increased by one half.

(4) In cases where the sexual abuse is conducted against the children identified under subparagraph (a) of the first paragraph by use of force or threat, the punishment to be imposed according to the above paragraphs is increased by one half.

(5) In case of use of force and violence during sexual assault in such a way to result in serious consequences of intentional injury, the offender shall be additionally punished for intentional injury.

(6) If the offense committed results in deterioration of the physical or mental health of the victim, a penalty of imprisonment shall apply to the offender for a period of minimum fifteen years.

(7) In case of vegetative state or death of a person as a result of the offense, the offender is sentenced to aggravated life imprisonment.

### **Sexual intercourse between/with minors**

**ARTICLE 104.** - (1) Any person who had a sexual intercourse with a child who completed the age of fifteen, without using force, threat and fraud, is sentenced to a term of imprisonment from six months to two years to five years, upon filing of a complaint.

(2) In the event that the offender is more than five years older than the victim, the penalty shall be increased by two folds without needing a complaint of the victim.

### **Sexual Harassment**

**ARTICLE 105.** - (1) If a person is subject to sexual harassment by another person, the person performing such act is sentenced to a term of imprisonment from three months to two years or to a judicial fine, upon complaint of the victim.

(2) If the act of offence is committed by misusing the influence based on public office or hierarchical relationship or using the advantage of working in the same workplace with the victim, the punishment to be imposed according to the paragraph above is increased by one half. If the victim was obliged to quit his/her job for this reason, the punishment to be imposed cannot be less than one year.

### **Threat**

**ARTICLE 106.** - (1) Any person who threatens another individual by stating that he will attack the individual's, or his relative's, life or physical or sexual immunity shall be subject to a penalty of imprisonment for a term of six months to two years. Where the threat relates to causing extensive loss of economic assets or other related harms, there shall be a penalty of imprisonment for a term of up to six months or a judicial fine, upon the complaint of the victim.

(2) Where the threat is carried out:

a) with the use of a weapon;

b) while concealing his identity or with an unsigned letter or by using a particular symbol;

c) jointly with more than one person;

d) by taking advantage of the power to invoke fear derived from a criminal organisation which exists, or is assumed to exist,

the offender shall be sentenced to a penalty of imprisonment for a term of two to five years.

(3) Where the offences of intentional killing, intentional injury or damaging property are committed with the aim to threaten, the penalties for such offences shall be imposed in addition.

## **Blackmail**

**ARTICLE 107.** - (1) Any person who forces an individual to obtain an illegal interest or forces someone to act, or fail to act (such not being within the scope of his duty), or to perform an act contrary to law; by stating that he will, or will not, do something which would be within his duty or rights, shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine of up to five thousand days.

## **Force**

**ARTICLE 108.** - (1) Any person who uses force against an individual in order to compel such individual to carry out, or fail to carry out, an act, or to enable himself to carry out a particular act, the penalty that would be imposed for the offence of intentional injury shall be increased by one third to one half.

## **Deprivation of Liberty**

**ARTICLE 109.** - (1) Any person who unlawfully restricts the freedom of a person to move, or to stay, in a particular place shall be sentenced to a penalty of imprisonment for a term of one to five years.

(2) Where a person resorts to force, threats or deception in order to commit an offence (or during the commission of the offence) then a penalty of imprisonment for a term of two to seven years shall be imposed.

(3) Where this offence is committed:

- a) with use of a weapon,
  - b) together with more than one person,
  - c) against a public officer as a result of the performance of his public duty
  - d) by misusing the influence derived from public office,
  - e) against a direct antecedent, direct descendants or spouse,
  - f) against a child or a person who cannot defend himself physically or mentally,
- the penalty to be imposed according to the above paragraphs shall be doubled.

(4) Where this offence results in the significant economic loss to the victim, an additional penalty of a judicial fine up to one thousand days shall be imposed.

(5) Where the offence is committed with a sexual purpose, the penalty to be imposed in accordance with the above paragraphs shall be increased by one half.

(6) Where an aggravated injury on account of its consequences is committed in order to commit this offence or during the commission of this offence, then the provisions relating to intentional injury shall be additionally applied.

## **Prevention of the Right to Education and Training**

**ARTICLE 112.** - (1) Any person who prevents any of the following acts, by the use of force or threat or any other unlawful act, shall be sentenced to a penalty of imprisonment for a term of one to three years:

- a) all forms of educational and training activities which have been established by a public authority or carried out under a license issued by a public authority;
- b) entering or staying in buildings or premises where students are live communally.

### **Prevention of the Activities of the Public Institutions or Professional Organisations with Public Institution Status**

**ARTICLE 113.** - (1) Where the activities of public institutions are prevented by use of violence or threat or any other unlawful act, a penalty of imprisonment for term of one to three years shall be imposed.

### **Violation of the Immunity of Domicile**

**ARTICLE 116.** - (1) A person who enters an individual's residence or its associated buildings without consent, or a person who refuses to leave such after having entered with consent, shall be sentenced to a penalty of imprisonment for a term of six months to two years, upon the complaint of the victim.

(2) The provisions of above subsection may not be applied if the residence is jointly used under consent by the spouses or more than one person forming the conjugal community. However, the cited consent needs to be justified with a legitimate purpose.

(3) Where the acts defined in paragraph one are committed in a work-place or its associated buildings (excluding places where it is habitual to enter without consent), then a penalty of imprisonment for a term of six months to one year or a judicial fine shall be imposed.

(4) Where the act is carried out by using force, threats or is committed at night, then a penalty of imprisonment for a term of one to three years shall be imposed.

### **Common Provision**

**ARTICLE 119.** - (1) Where the offences of preventing education and training; preventing activities of a public institution or professional institution considered to be a public institution; preventing exercise of political rights; preventing exercise of the freedom of belief, thought and conviction; violation of the residence immunity; violation of the freedom to work and labour are committed:

a) by using a weapon;

b) while concealing an identity or with an unsigned letter or by using a particular symbol;

c) together by more than one person;

d) by taking advantage of the power to invoke fear derived from a criminal organisation which exists, or is assumed to exist;

e) By misusing the influence derived from public office,  
the penalty to be imposed shall be doubled.

(2) During the commission of these offences, if Aggravated Injury on Account of its Consequences occurs, then the provisions relating to intentional injury shall be additionally applied

### **Disturbing an Individual's Peace and Harmony**

**ARTICLE 123.** - (1) Where a person persistently makes phone calls, creates noise, or otherwise acts in an unlawful manner, with the aim of disturbing a person's peace and harmony, the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year, upon the complaint of the victim.

### **Ill-Treatment**

**ARTICLE 232.** - (1) Any person who ill-treats a person that they are living together with in the same dwelling, shall be sentenced to a penalty of imprisonment for a term of two months to one year.

(2) Any person who improperly uses the right to enforce discipline, deriving from his right to educate a person who is under his control or for whom he is responsible for this person's growth, education, care, protection or training of a profession or trade, shall be sentenced to a penalty of imprisonment for a term of up to one year.

### **Misuse of Public Duty**

**ARTICLE 257.** - (1) Excluding any situation defined elsewhere as a separate offence in law, any public officer who secures an unjust financial benefit for another or causes any loss to the public or an individual by acting contrary to his duty shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) Excluding any situation defined elsewhere as a separate offence in law, any public officer who secures unjust financial benefit for another or causes any loss to the public or an individual by failing to discharge his duty, by omission or delay, shall be sentenced to a penalty of imprisonment for a term of six months to two years.

(3) Any public officer who secures benefit for himself or others in order to fulfill his obligations or for similar other reason, shall be punished with imprisonment according to provisions of the first subsection if such act does not constitute the offense of malversation.

### **Failure to Report an Offence**

**ARTICLE 278.** - (1) Any person who fails to report, to the relevant authority, an offence which is in progress shall be sentenced to a penalty of imprisonment for a term of up to one year.

(2) Any person who fails to notify the relevant authority of any offence, which has been committed but where it is still possible to limit its consequences, shall be sentenced according to the provisions of the aforementioned paragraph.

(3) Where the victim is a child (not having yet attained his fifteenth year) a person physically or mentally handicapped or a pregnant woman who cannot defend herself as a result of her pregnancy, the penalty to be imposed according to aforementioned paragraphs shall be increased by one half.

### **Failure by a Public Officer to Report an Offence**

**ARTICLE 279.** - (1) Any public officer who fails to report of an offence (which requires a public investigation and prosecution), or delays in reporting such offence, to the relevant authority, after becoming aware of such offence in the course of his duty, shall be sentenced to a penalty of imprisonment for a term of six months to two years

(2) Where the offence is committed by a judicial law enforcement officer, the penalty to be imposed according to aforementioned paragraph shall be increased by one half.

### **Failure by a Member of the Medical Profession to Report an Offence**

**ARTICLE 280.** - (1) Any member of the medical profession who fails to report of an offence, or delays in reporting such offence, to the relevant authority after becoming aware, in the course of his duty, of any evidence demonstrating that a crime may have been committed shall be sentenced to a penalty of imprisonment for a term up to one year.

(2) A member of the medical profession shall include physicians, dentists, pharmacists, midwives, nurses and other persons who provide health services.

## **The Labor Act**

### **Employee's right to break the contract for just cause**

**Article 24** - The employee is entitled to break the contract, whether for a definite or an indefinite period, before its expiry or without having to observe the specified notice periods, in the following cases:

II. For immoral, dishonorable or malicious conduct or other similar behavior

b) If the employer is guilty of any speech or action constituting an offence against the honor or reputation of the employee or a member of the employee's family, or if he harasses the employee sexually

d) If, in cases where the employee was sexually harassed by another employee or by third persons in the establishment, adequate measures were not taken although the employer was informed of such conduct

**Article 25** - The employer may break the contract, whether for a definite or indefinite period, before its expiry or without having to comply with the prescribed notice periods, in the following cases:

II- For immoral, dishonorable or malicious conduct or other similar behavior

c) If the employee sexually harasses another employee of the employer

## **The Civil Code**

### **VIII. Parental rights in terms of Children**

#### **1. Judicial Discretion**

**Article 182** – When judge decides divorce or separation cases, the judge regulates the rights and personal relationship of parents with their child after listening to the parents, and listen to the opinion of the guardian if the child is under guardianship. When regulating personal relationship between the child and the spouse to whom the custody has not been, the interests of child in terms of health, education and morals shall be taken as basis. This spouse is under obligation to share health and education costs of the child as much as he/she can.

The judge may rule that the amount of costs, decided to be paid as revenue, will be paid according to socio-economic situations of the parties in the coming years.

#### **4. Threatening**

**Article 151-** A spouse who was consented to marriage by threatening very close and grave danger against life, health or honor and pride of herself or one of her relatives may sue the annulment of marriage.

#### **A. In General**

##### **I. Conditions**

**Article 335-** Minor is under the custody of his/her parents. Custody shall not be taken from the parents unless there is a legal reason.

Unless the judge requires appointing a guardian, disabled minors shall also stay under the custody of their parents.

### **II. If parents are married**

**Article 336-** Parents shall use the custody together as long as marriage lasts. If the common life is terminated or separation is realized, the judge may entrust the custody to one of the spouses. Custody shall be entrusted to the party who is alive in the case where one of the parents dies, and to the party with custody in the case of divorce.

### **III. If parents are not married**

**Article 337-** If parents are not married, custody belongs to the mother. The judge, in accordance with the child's interest, appoints a guardian or entrusts the custody to the father in the cases where the mother is minor, disabled or dead or the custody is taken from her.

## **The Law of Obligations**

### **A. Obligation**

#### **I. In General**

**MADDE 49-** A person who harms another through a wrongful or unlawful act is under obligation to compensate the other party for this harm.

Even if there is no provision prohibiting harmful act, a person who harms another intentionally through an immoral act is also under an obligation to compensate the other party for this harm.

### **III. Compensation**

#### **1. Determining**

**ARTICLE 51-** The judge shall determine the mode and scope of compensation by considering the requirement of situation and burden of default. If payment of the compensation is decided to be as revenue by court decision, the debtor is under obligation to show/give insurance.

### **IV. Exceptional Circumstances**

#### **1. Death and physical harm**

##### **a. Death**

**ARTICLE 53-** The loss suffered particularly in case of death is as follows:

1. Funeral expenses.
2. Losses arising from treatment costs and loss or decrease of workforce if the death has not been occurred immediately.
3. Losses suffered by the persons who are deprived of the support of the person who died.

##### **b. Physical Harm**

**ARTICLE 54-** Physical harms are especially the followings:

1. Treatment costs.
2. Loss of earnings.
3. Losses arising from loss or decrease of workforce.
4. Losses arising from breakdown of economic future.



### **APPENDIX - 3 BOOKLET**

Law No. 6284

The Implementing Regulation of Law No. 6284

The Regulation on Violence Prevention and Monitoring Centers

The Regulation on Opening and Operation of Women's Shelters

### **APPENDIX - 4 National Action Plan on Combating Violence against Women (2016-2020)**